



ORDINANCES
of the
COLONY
of the
FALKLAND ISLANDS
enacted during the year
1940
together with the
Rules, Regulations etc., etc.,
made during that year.

PART I.

ORDINANCES.

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[L.S.]



FALKLAND ISLANDS.

Ordinance No. 1 of 1940.

I ASSENT,

H. HENNIKER HEATON,

Governor.

22nd May, 1940.

An Ordinance

To amend the Law relating to Marriage and Divorce.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows :—

1. This Ordinance may be cited as "The Matrimonial Causes Ordinance, 1940."

2. (i) The Supreme Court hereinafter called "the Court" shall have jurisdiction to make decrees of divorce, of nullity of marriage and of judicial separation in accordance with the provisions of this Ordinance.

(ii) Such jurisdiction shall extend—

- in proceedings for divorce and nullity of marriage, to cases in which the parties to the marriage are domiciled in the Falkland Islands.
- in proceedings for judicial separation, to cases in which the parties to the marriage are domiciled or resident in the Falkland Islands at the time of the institution of the suit.

(iii) In the exercise of such jurisdiction the Court shall subject to the provisions of this Ordinance act and give relief on principles which in the opinion of the Court are as nearly as may be conformable to the principles on which the High Court of Justice in England acts and gives relief in Matrimonial Causes.

DISSOLUTION OF MARRIAGE.

3. (1) No petition for divorce shall be presented to the Court unless at the date of the presentation of the petition three years have passed since the date of the marriage :

Restriction on petitions for divorce during first three years after marriage.

Provided that a judge of the Court may, upon application being made to him in accordance with rules of court, allow a petition to be presented before three years have passed on the ground that the case is one of exceptional depravity on the part of the respondent, but if it appears to the court at the hearing of the petition, that the petitioner obtained leave to present the petition by any misrepresentation or concealment of the nature of the case, the court may, if it pronounces a decree nisi, do so subject to the condition that no application to make the decree absolute shall be made until after the expiration of three years from the date of the marriage, or may dismiss the petition, without prejudice to any petition which may be brought after the expiration of the said three years upon the same, or substantially the same, facts as those proved in support of the petition so dismissed.

(2) In determining any application under this section for leave to present a petition before the expiration of three years from the date of the marriage, the judge shall have regard to the interests of any children of the marriage and to the question whether there is reasonable probability of a reconciliation between the parties before the expiration of the said three years.

(3) Nothing in this section shall be deemed to prohibit the presentation of a petition based upon matters which have occurred before the expiration of three years from the date of the marriage.

Grounds of petition for divorce.

4. A petition for divorce may be presented to the Court either by the husband or wife on the ground that the respondent -

- (a) has since the celebration of marriage committed adultery; or
- (b) has deserted the petitioner without cause for a period of at least three years immediately preceding the presentation of the petition; or
- (c) has since the celebration of the marriage treated the petitioner with cruelty; or
- (d) is to the satisfaction of the Court incurably of unsound mind and has been continuously under care and treatment for a period of at least five years immediately preceding the presentation of the petition;

and by the wife on the ground that her husband has since the celebration of the marriage been guilty of rape, sodomy or bestiality.

Definition of "care and treatment" in relation to insanity.

5. For the purposes of the preceding section a person of unsound mind shall be deemed to be under care and treatment while he is detained in pursuance of any order made under the provisions of the Lunacy Ordinance, 1894.

Duty of Court on presentation of petition for divorce.

6. (1) On a petition for divorce it shall be the duty of the Court to enquire, so far as it reasonably can, into the facts alleged and whether there has been any connivance or condonation on the part of the petitioner and whether any collusion exists between the parties and also to enquire into any countercharge which is made against the petitioner.

(2) If the Court is satisfied on the evidence that -

- (i) the case for the petitioner has been proved; and
- (ii) where the ground of the petition is adultery, the petitioner has not in any manner been accessory to, or connived at, or condoned the adultery, or where the ground of the petition is cruelty the

petitioner has not in any manner condoned the cruelty; and

- (iii) the petition is not presented or prosecuted in collusion with either the respondent or the co-respondent;

the Court shall pronounce a decree of divorce, but if the Court is not satisfied with respect to any of the aforesaid matters it shall dismiss the petition:

Provided that the Court shall not be bound to pronounce a decree of divorce and may dismiss the petition if it finds that the petitioner has been guilty of unreasonable delay in presenting or prosecuting the petition or during the marriage been guilty of adultery or where the ground of the petition is adultery or unsoundness of mind or desertion the petitioner has been guilty of such wilful neglect or misconduct as has conduced to the adultery or unsoundness of mind or desertion.

7. (i) Any husband may, either in a petition for divorce or for judicial separation or in a petition to the Court limited to such object only, claim damages from any person on the ground of his having committed adultery with the wife of such petitioner.

Husband may claim damages from adulterer.

(ii) Such petition shall be served on the alleged adulterer and the wife, unless the Court dispenses with such service or directs some other service to be substituted.

(iii) The damages to be recovered on any such petition shall be ascertained by the said Court, although the respondents or either of them may not appear.

(iv) After the decision has been given the Court may direct in what manner such damages shall be paid or applied.

8. (1) Whenever in any petition presented by a husband the alleged adulterer has been made a co-respondent and the adultery has been established, the Court may order the co-respondent to pay the whole or any part of the costs of the proceedings.

Costs against co-respondent.

(2) The co-respondent shall not be ordered to pay the petitioner's costs -

- (a) if the respondent was at the time of the adultery living apart from her husband and leading the life of a prostitute; or
- (b) if the co-respondent had not at the time of the adultery reason to believe the respondent to be a married woman.

9. In any suit instituted for divorce in which on the petition of a husband the alleged adulterer is made a co-respondent or in which on the petition of a wife the person with whom the husband is alleged to have committed adultery is made a respondent, the Court may, after the close of the evidence for the petitioner, direct the co-respondent or the respondent, as the case may be, to be dismissed from the proceedings if the Court is of opinion that there is not sufficient evidence against him or her.

Dismissal of co-respondent or respondent from proceedings.

10. In any suit instituted for divorce if the respondent opposes the relief sought on the ground of the adultery, cruelty or desertion without reasonable excuse of the petitioner, the Court may in such suit give the respondent, on his or her application, the same relief to which he or she would have been entitled in case he or she had presented a petition seeking such relief.

Grant of relief to respondent if petition opposed.

NULLITY OF MARRIAGE.

Petition for nullity of marriage.

11. Any husband or wife may present a petition to the Court praying that his or her marriage may be declared null and void.

Grounds of decree.

12. (1) Such decree may be made on any of the following grounds -

- (a) that the respondent was impotent at the time of the marriage and at the time of the institution of the suit ;
- (b) that the parties are within the prohibited degrees of consanguinity or affinity, whether natural or legal ;
- (c) that the former husband or wife of either party was living at the time of the marriage and the marriage with such former husband or wife was then in force ;
- (d) that the consent of either party to the marriage was obtained by force or fraud in any case in which the marriage might be annulled by the law in England ;
- (e) that the marriage has not been consummated owing to the wilful refusal of the respondent to consummate the marriage ;
- (f) that either party was of unsound mind at the time of the marriage ;
- (g) that the respondent was at the time of the marriage suffering from venereal disease in a communicable form ;
- (h) that the respondent was at the time of the marriage pregnant by some person other than the petitioner ;
- (j) that the marriage is invalid by the law of the Colony.

Provided that in the cases specified in paragraphs (f), (g) and (h) of this sub-section the Court shall not grant a decree, unless it is satisfied -

- (i) that the petitioner was at the time of the marriage ignorant of the facts alleged ;
- (ii) that proceedings were instituted within a year from the date of the marriage ;
- (iii) that marital intercourse with the consent of the petitioner has not taken place since the discovery by the petitioner of the grounds for a decree ;

(2) Any child born of a marriage avoided pursuant to sections (d), (f) or (g) of the last foregoing sub-section shall be a legitimate child of the parties thereto notwithstanding that the marriage is so avoided and any child born of a marriage avoided pursuant to section (c) shall be a legitimate child of the parties where it is adjudged that the subsequent marriage was contracted in good faith and with the full belief of the parties that the former husband or wife was dead, notwithstanding that the marriage is so avoided.

DECREE ABSOLUTE.

When decree is to be made absolute.

13. (1) A decree of divorce or nullity of marriage may be made absolute after the expiration of such time, not less than three months from the pronouncing thereof, as is prescribed or as is fixed by the Court in any suit.

(2) During that period any person may in such manner as is prescribed or as is directed by the Court in any suit, shew cause why the decree should not be made absolute by reason of the same

having been obtained by collusion or by reason of material facts not being brought before the Court.

(3) On cause being so shewn the Court shall make the decree absolute, or reverse the decree nisi, or require further inquiry or otherwise deal with the case as justice demands.

(4) The Court may order the costs arising from such cause being shewn to be paid by such parties or such one or more of them including a wife if she has separate property, as it thinks fit.

(5) When a decree nisi has been made and the petitioner fails to move within a reasonable time to have such decree made absolute, the Court may dismiss the suit.

PRESUMPTION OF DEATH.

14. (1) Any married person who alleges that reasonable grounds exist for supposing that the other party to the marriage is dead may present a petition to the Court to have it presumed that the other party is dead and to have the marriage dissolved, and the Court, if satisfied that such reasonable grounds exist, may make a decree of presumption of death and of divorce.

Proceedings for decree of presumption of death and divorce.

(2) In any such proceedings the fact that for a period of seven years or upwards the other party to the marriage has been continually absent from the petitioner, and the petitioner has no reason to believe that the other party has been living within that time, shall be evidence that he or she is dead unless the contrary be proved.

JUDICIAL SEPARATION.

15. The Court may make a decree of judicial separation on the petition of either the husband or the wife on any ground upon which it may make a decree of divorce.

Grounds for judicial separation.

16. (1) The property of a wife who at the time of her death is judicially separated from her husband shall in case she dies intestate, devolve as if her husband had been then dead.

Property of wife after judicial separation.

(2) Where, upon any such judicial separation, alimony has been decreed or ordered to be paid to the wife and the same is not duly paid by the husband he shall be liable for necessaries supplied for her use.

(3) Nothing in this section shall prevent the wife from joining, at any time during such separation, in the exercise of any joint power held by herself and her husband.

17. The Court shall have power on due cause being shewn to reverse a decree of judicial separation.

Power to reverse a decree.

ALIMONY.

18. (1) In any suit under this Ordinance the wife may present a petition for alimony pending the suit.

Alimony *pendente lite*.

(2) Such petition shall be served on the husband and the Court may make such order on the husband for payment to the wife of alimony as it deems just.

19. The Court may, if it shall see fit, on any decree absolute for divorce or for nullity of marriage or on any decree of judicial separation obtained by the wife order that the husband shall secure

Permanent Alimony.

to the wife such gross sum of money, or such annual sum of money for any term not exceeding her life, as, having regard to her fortune, if any, to the ability of the husband, and to the conduct of the parties it shall deem reasonable, or the Court may make an Order on the husband for the payment to the wife during their joint lives of such monthly or weekly sum for her maintenance and support as the Court may think reasonable.

Provided always that if the husband shall from any cause become unable to make such payments, it shall be lawful for the Court to discharge or modify the Order or temporarily to suspend the same as to the whole or any part of the money so ordered to be paid, and again to revive the same Order wholly or in part, as to the Court shall seem fit.

CUSTODY OF CHILDREN.

Custody of Children.

20. The Court after a final decree of judicial separation, nullity of marriage, or divorce, may, upon application by petition for this purpose, make from time to time all such orders and provisions with respect to the custody maintenance and education of the children, the marriage of whose parents was the subject of the decree or for placing such children under the protection of the Court, as the Court shall see fit.

Provided that the term for which any sum of money is secured for the benefit of a child shall not extend beyond the date when the child will attain twenty-one years of age.

PROCEDURE.

Procedure.

21. Subject to the provisions herein all proceedings under this Ordinance shall be regulated by the Administration of Justice Ordinance, 1901.

Sittings in camera.

22. The whole or any part of any proceeding under this Ordinance may be heard, if the Court thinks fit, within closed doors.

Coming into force.

23. This Ordinance shall come into force on a day to be fixed by the Governor by Proclamation in the Government Gazette.

Passed by the Legislative Council this 16th day of May, 1940.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 22nd day of May, 1940.

A. W. CARDINALI,

Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 2 of 1940.

I ASSENT.

H. HENNIKER HEATON,

Governor.

22nd May, 1940.

An Ordinance

To provide for the prevention of cruelty and exposure to moral and physical danger to children and young persons.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows :-

Enacting Clause.

1. This Ordinance may be cited as the Children and Young Persons Ordinance, 1940.

Short Title.

2. (1) If any person who has attained the age of sixteen years and has the custody, charge, or care of any child or young person under that age, wilfully assaults, ill-treats, neglects, abandons, or exposes him to be assaulted, ill-treated, neglected, abandoned, or exposed, in a manner likely to cause him unnecessary suffering or injury to health (including injury to or loss of sight or hearing or limb, or organ of the body, and any mental derangement), that person shall be guilty of a misdemeanour, and shall be liable -

Cruelty to persons under sixteen.

(a) on conviction on indictment, to a fine not exceeding one hundred pounds, or alternatively, or in default of payment of such a fine, or in addition thereto, to imprisonment for any term not exceeding two years;

(b) on summary conviction, to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such a fine, or in addition thereto, to imprisonment for any term not exceeding six months.

(2) For the purposes of this section -

(a) a parent or other person legally liable to maintain a

child or young person shall be deemed to have neglected him in a manner likely to cause injury to his health if he has failed to provide adequate food, clothing, medical aid or lodging for him, or if, having been unable otherwise to provide such food, clothing, medical aid or lodging, he has failed to take steps to procure it to be provided;

- (b) where it is proved that the death of an infant under three years of age was caused by suffocation (not being suffocation caused by disease or the presence of any foreign body in the throat or air passages of the infant) while the infant was in bed with some other person who has attained the age of sixteen years, that other person shall, if he was, when he went to bed, under the influence of drink, be deemed to have neglected the infant in a manner likely to cause injury to its health.

(3) A person may be convicted of an offence under this section -

- (a) notwithstanding that actual suffering or injury to health, or the likelihood of actual suffering or injury to health, was obviated by the action of another person;
- (b) notwithstanding the death of the child or young person in question.

(4) Upon the trial of any person who has attained the age of sixteen years and is indicted for infanticide or for the manslaughter of a child or young person under the age of sixteen years of whom he had the custody, charge or care, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under this section to find him guilty of that offence.

(5) If it is proved that a person convicted under this section was directly or indirectly interested in any sum of money accruing or payable in the event of the death of the child or young person, and has knowledge that that sum of money was accruing or becoming payable, then -

- (a) in the case of a conviction on indictment, the maximum amount of the fine which may be imposed under this section shall be two hundred pounds, and the court shall have power, in lieu of awarding any other penalty under this section, to sentence the person convicted to penal servitude for any term not exceeding five years; and
- (b) in the case of a summary conviction, the court in determining the sentence to be awarded shall take into consideration the fact that the person was so interested and had such knowledge.

(6) For the purposes of the last foregoing sub-section :-

- (a) a person shall be deemed to be directly or indirectly interested in a sum of money if he has any share in or any benefit from the payment of that money, notwithstanding that he may not be a person to whom it is legally payable; and
- (b) a copy of a policy of insurance, certified to be a true copy by an officer or agent of the insurance company granting the policy, shall be evidence that the child or young person therein stated to be insured has in

fact been so insured, and that the person in whose favour the policy has been granted is the person to whom the money thereby insured is legally payable.

(7) Nothing in this section shall be construed as affecting the right of any parent, teacher, or other person having the lawful control or charge of a child or young person to administer punishment to him.

Passed by the Legislative Council this 16th day of May, 1940.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 22nd day of May, 1940.

A. W. CARDINALL,

Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 3 of 1940.

I ASSENT,

H. HENNIKER HEATON,
Governor.

22nd May, 1940.

An Ordinance

To amend the Defence Force Ordinance, 1920, as amended by the Falkland Islands Defence Force (Amendment) Ordinance, 1938.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows:—

Enacting Clause.

1. This Ordinance may be cited as the Defence Force (Amendment) Ordinance, 1940, and shall be read and construed as and with the Defence Force Ordinance, 1920, as amended by the Falkland Islands Defence Force (Amendment) Ordinance, 1938.

Short Title.

2. Section 3 (1) of the Defence Force Ordinance, 1920, is hereby amended by the deletion of the words "British subject" in the second line and the substitution of the word "person" therefor.

Amending Section
3 (1).

3. Schedule A to the Defence Force Ordinance, 1920, is hereby amended by the addition of the following words as a footnote:—

Amending Schedule
A.

The words "and bear true allegiance" in line three should be deleted if the person whose services have been accepted as a member of the Defence Force is not a British subject.

Passed by the Legislative Council this 16th day of May, 1940.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 22nd day of May, 1940.

A. W. CARDINALI,

Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 4 of 1940.

I ASSENT,

H. HENNIKER HEATON,

Governor.

22nd May, 1940.

An Ordinance

To give effect to the provisions of certain Treaties of Commerce and Navigation.

WHEREAS it is expedient that effect should be given in the Colony of the Falkland Islands and its Dependencies to the provisions of certain Treaties of Commerce and Navigation mentioned in the Schedule hereto :—

Preamble.

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

Enacting Clause.

1. This Ordinance may be cited as the Administration of Estates by Consular Officers Ordinance, 1940.

Short Title.

2. Whenever any subject or citizen of any State mentioned in the first column of the Schedule hereto —

Administration of Estates by Consular Officers.

(a) dies within the Colony, or

(b) dies outside the Colony leaving property within the Colony,

and no person is present in the Colony at the time of his death who is rightfully entitled to administer the estate of such deceased person, the Consul, Vice-Consul, or Consular Agent of such State within the Colony may take possession and have the custody of the property of such deceased person, and may apply the same in payment of his debts and funeral expenses, and may retain the surplus for the benefit of the persons entitled thereto; but such Consul, Vice-Consul, or Consular Agent shall immediately apply for, and shall be entitled to obtain from the Court, Letters of Administration of the property of such deceased person, limited in such manner and for such time as to the Court shall seem fit.

3. It shall be lawful for the Governor by order published

Variation of Schedule.

in the Official Gazette to vary the Schedule—

- (a) by deleting therefrom any State when the provision of the Treaty with that State mentioned in the Schedule shall have ceased to have effect;
- (b) by adding thereto any State with whom His Majesty shall make a Treaty of Commerce and Navigation containing provision similar to any of the provisions mentioned in the Schedule.

Passed by the Legislative Council this 16th day of May, 1940.

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

Assented to by the Governor and given under the Public Seal of the Colony this 22nd day of May, 1940.

A. W. CARDINALL,
Colonial Secretary.

SCHEDULE.

Name of State.	Title of Treaty.	Date of Treaty.	Provision.
Estonia	Treaty of Commerce and Navigation between the United Kingdom and Estonia.	18th January, 1926.	Article 22.
Finland	Treaty of Commerce and Navigation between the United Kingdom and Finland.	14th December, 1923.	Article 19. (third paragraph).
Greece	Treaty of Commerce and Navigation between the United Kingdom and Greece.	16th July, 1926.	Article 23.
Hungary	Treaty of Commerce and Navigation between the United Kingdom and Hungary.	23rd July, 1936.	Article 14.
Japan	Treaty of Commerce and Navigation between the United Kingdom and Japan.	3rd April, 1911.	Article 5.
Thailand	Treaty of Commerce and Navigation between the United Kingdom and Siam (Thailand).	23rd November, 1937.	Article 19.
Turkey	Treaty of Commerce and Navigation between the United Kingdom and Turkey.	1st March, 1930.	Article 28.
Yugoslavia	Treaty of Commerce and Navigation between the United Kingdom and the Kingdom of the Serbs, Croats and Slovenes.	12th May, 1927.	Article 24.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 5 of 1940.

I ASSENT,
H. HENNIKER HEATON,
Governor.
22nd May, 1940.

An Ordinance

To provide for the change of official designations appearing in enactments.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the The Public Officers (Change of Designations) Ordinance, 1940.

2. "Enactment" means any Ordinance and includes any Order in Council, order, proclamation, rule, regulation, commission, bye-law, or notice made or issued under an Ordinance.

3. Whenever any designation among those of the Public Officers set out in the first column of the Schedule hereto appears in any enactment in force or in any instrument of appointment effective at the date of the commencement of this Ordinance, it shall be replaced by the corresponding designation set out in the second column of that Schedule.

4. Whenever any change of any designation of any Public Officer is made at any future time, the Governor, if occasion requires may, by order, make any necessary substitution in or addition to the Schedule, and the provisions of the immediately preceding section shall apply accordingly in conformity with every such substitution or addition as regards any enactment in force or instrument of appointment effective at the date of such order.

Passed by the Legislative Council this 16th day of May, 1940.

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

Assented to by the Governor and given under the Public Seal of the Colony this 22nd day of May, 1940.

A. W. CARDINALL,
Colonial Secretary.

SCHEDULE (Section 3)

Colonial Treasurer. Director of Public Works. Chief Clerk, Treasury.	Financial Secretary. Executive Engineer. Supervisor and Accountant.
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[L.S.]



FALKLAND ISLANDS.

Ordinance No. 6 of 1940.

I ASSENT,

H. HENNIKER HEATON,

Governor.

22nd May, 1940.

An Ordinance

To amend the Income Tax Ordinance,
1939.

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

1. This Ordinance may be cited as the Income Tax (Amendment) Ordinance 1940, and shall be read and construed as one with the Income Tax Ordinance, 1939, hereinafter referred to as the Principal Ordinance.

Short Title.

2. Section 21 of the Principal Ordinance is hereby repealed and in place thereof the following section shall have effect:—

Repeal of Section 21 of Principal Ordinance and substitution of new section.

FALKLAND ISLANDS :

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

Rate of tax upon
persons other than
companies.

21. (1) The Tax upon the chargeable income of every person other than a company shall be charged at the following rates:—

On the first £150 of such income	...	Nil.
In respect of the excess over £150		
For every pound of the first £100	...	1/-
" " " " " next £250	...	1/3
" " " " " £250	...	1/6
" " " " " £250	...	2/-
For every pound on all amounts above £1,000	2/6	

Flat rate of tax on
company.

(2) The Tax upon the chargeable income of a company shall be charged at the rate of two shillings and six pence on every £ of the chargeable income thereof.

Passed by the Legislative Council this 16th day of May, 1940.

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

Assented to by the Governor and given under the Public Seal of the Colony this 22nd day of May, 1940.

A. W. CARDINALL,
Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 7 of 1940.

I ASSENT,
H. HENNIKER HEATON,
Governor.

28th November, 1940.

An Ordinance To provide for the service of the year 1941.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited for all purposes as "the Appropriation (1941) Ordinance, 1940".

2. The Governor may cause to be issued out of the Public Revenue and other funds of the Colony and applied to the service of the year ending the 31st December, 1941, a sum not exceeding Ninety thousand Six hundred and Fifteen pounds, which sum is granted and shall be appropriated for the purposes and to defray the charges of the several services expressed and particularly mentioned in the Schedule hereto which will come in course of payment during the year 1941.

Passed by the Legislative Council this 26th day of November, 1940.

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

Assented to by the Governor and given under the Public Seal of the Colony this 28th day of November, 1940.

A. W. CARDINALL,
Colonial Secretary.

SCHEDULE.

Number.	Head of Service.	Amount.		
		£	s.	d.
FALKLAND ISLANDS.				
I.	Pensions	2974	0	0
II.	The Governor	2785	0	0
III.	Colonial Secretary	2744	0	0
IV.	Treasury and Customs	1286	0	0
V.	Audit	258	0	0
VI.	Post Office	4280	0	0
VII.	Electrical and Telegraphs	3499	0	0
VIII.	Harbour	1176	0	0
IX.	Legal	185	0	0
X.	Police and Prisons	974	0	0
XI.	Medical	6492	0	0
XII.	Education	3471	0	0
XIII.	Ecclesiastical	289	0	0
XIV.	Naturalist	420	0	0
XV.	Military	868	0	0
XVI.	Agriculture	5401	0	0
XVII.	Miscellaneous	4868	0	0
XVIII.	Public Works	3835	0	0
XIX.	Public Works Recurrent	7525	0	0
Total Ordinary Expenditure		£ 53330	0	0
XX.	Public Works Extraordinary	2808	0	0
XXI.	Military War Expenditure	20675	0	0
XXII.	Land Sales Fund	1381	0	0
Total Expenditure chargeable to Revenue		£ 78194	0	0
DEPENDENCIES.				
I.	Ordinary Expenditure	12421	0	0
Total		£ 90615	0	0



[L.S.]

FALKLAND ISLANDS.

Ordinance No. 8 of 1940.

I ASSENT,

H. HENNIKER HEATON,

Governor.

28th November, 1940.

An Ordinance

To amend the Income Tax Ordinance, 1939, as amended by the Income Tax (Amendment) Ordinance, 1940.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows:—

Enacting Clause.

1. This Ordinance may be cited as the Income Tax (Amendment, No. 2) Ordinance, 1940, and shall be read and construed as one with the Income Tax Ordinance, 1939, (hereinafter referred to as the Principal Ordinance) as amended by the Income Tax (Amendment) Ordinance, 1940.

Short Title.

2. Sub-section (1) of Section 4 of the Principal Ordinance is hereby amended by the deletion of the word "such" in line 5.

Amendment of Section 4 of Ordinance, No. 20 of 1939.

3. Section 8 of the Principal Ordinance is hereby amended by the deletion of sub-section (a) and the substitution therefor of the following subsection.

Amendment of Section 8 of Ordinance, No. 20 of 1939.

"(a) The official emoluments received by the Officer Administering the Government during the period in which he is administering the Government and the emoluments drawn by the Governor himself while on leave".

4. Section 18 of the Principal Ordinance is hereby amended by the insertion of the following additional sub-sections:—

Amendment of Section 18 of Ordinance, No. 20 of 1939.

"(c) In the case of a shipowner, the gains or profits of his business as a shipowner, shall, if he produces or causes to be produced to the Commissioner the certificate mentioned in sub-section (d) of this section, be taken to be a sum bearing the same ratio

to the sums payable in respect of fares or freight for passengers, goods or mails shipped in the Colony as his total profits for the relevant accounting period shown by that Certificate bear to the gross earnings for that period.

- (d) The certificate shall be a certificate by the Taxing Authority of the place in which the principal place of business of the shipowner is situated and shall state—
- (1) that the shipowner has furnished to the satisfaction of that Authority account of the whole of his business; and
 - (2) the ratio of the gains or profits for the relevant accounting period as computed according to the Income Tax law of that place (after deducting interest on any money borrowed and employed in acquiring the gains and profits) to the gross earnings of the shipowner's fleet or vessel for that period.
- (e) If the gains or profits of a shipowner have for the purpose of assessment in the Colony under this Ordinance been computed on any basis other than the ratio of the gains or profits shown by a Certificate as aforesaid and an assessment has been made accordingly, the shipowner shall upon production of such a certificate at any time within two years from the end of the year of assessment be entitled to such adjustment as may be necessary to give effect to the said certificate and to have any tax paid in excess refunded.
- (f) In this section the expression "shipowner" means an owner or charterer of ships whose principal place of business is situated outside the Colony, but in a part of His Majesty's protection."

Amendment of Section 43 of Ordinance No. 20 of 1939.

5. Section 43 of the Principal Ordinance is hereby amended by the insertion of the following additional sub-section:—

"(11) Notwithstanding anything contained in sub-section (2) of Section 49 of this Ordinance if the Judge is satisfied that tax in accordance with his decision upon the appeal may not be recovered the Judge may require the appellant forthwith to furnish such security for payment of the tax, if any, which may become payable by the appellant as may seem to the Judge to be proper. If such security is not given the tax assessed shall become payable forthwith and shall be recoverable in the manner prescribed by Section 53 of this Ordinance."

Addition of new Section.

6. The following section shall be inserted in the Principal Ordinance as Section 47a:—

"Time limit for repayment of claims.

47a. A claim for relief under Section 46 or Section 47 of this Ordinance shall be made within two years from the end of the year of assessment to which it relates:

Provided that such a claim, though not made within the said period of two years, shall be admitted if made within six years from the end of the said year and within six months from the date upon which the relevant amount of United Kingdom income tax or of Empire income tax, as the case may be, has been ascertained."

7. The following Section shall be inserted in the Principal Ordinance as Section 54A:—

"Fugitive" tax-payers.

54A. (1) If in any particular case the Commissioner has reason to believe that a person who has been assessed to tax may leave the Colony before such tax becomes payable under the provisions of Section 50 or Section 52 of this Ordinance without having paid such tax he may by notice in writing to such person demand payment of such tax within the time to be limited in such notice. Such tax shall thereupon be payable at the expiration of the time so limited and shall in default of payment unless security for payment thereof be given to the satisfaction of the Commissioner be recoverable forthwith in the manner prescribed by Section 53 of this Ordinance.

(2) If in any particular case the Commissioner has reason to believe that tax upon any chargeable income may not be recovered he may at any time and as the case may require:—

- (a) forthwith by notice in writing require any person to make a return and to furnish particulars of any such income within the time to be specified in such notice.
- (b) make an assessment upon such person in the amount of the income returned or if default is made in making such return or the Commissioner is dissatisfied with such return in such amount as the Commissioner may think reasonable;
- (c) by notice in writing to the person assessed require that security for the payment of the tax assessed be forthwith given to his satisfaction.

(3) If in any particular case the Commissioner has reason to believe that tax upon any income which would upon the issue of a proclamation imposing tax for any year of assessment become chargeable to such tax may not be recovered he may at any time:—

- (a) by notice in writing to the person by whom the tax would be payable determine a period for which tax shall be charged and require such person to render within the time specified therein returns and particulars of such income for that period;
- (b) make an assessment upon such person in the amount of the income returned or if default is made in making a return or the Commissioner is dissatisfied with such return in such amount as the Commissioner may think reasonable. Such assessment shall be made at the rate of tax imposed by the past preceding proclamation.

(4) Notice of any assessment made in accordance with the provisions of sub-sections (2) and (3) of this Section shall be given to the person assessed, and any tax so assessed (in accordance with the provisions of sub-sections (2) and (3) of this Section) shall be payable on demand made in writing under the hand of the Commissioner and shall in default of payment unless security for the payment thereof be given to the satisfaction of the Commissioner be recoverable forthwith in the manner prescribed by Section 53 of this Ordinance.

(5) Any person who has paid the tax in accordance with a demand made by the Commissioner or who

Addition of new Section.

has given security for such payment under sub-sections (2) and (3) of this Section shall have the rights of objection and appeal conferred by Sections 42 and 43 of this Ordinance and the amount paid by him shall be adjusted in accordance with the result of any such objection or appeal.

(6) The provisions of sub-sections (2) and (3) of this Section shall not affect the powers conferred upon the Commissioner by Section 39 of this Ordinance."

Passed by the Legislative Council this 26th day of November, 1940.

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

Assented to by the Governor and given under the Public Seal of the Colony this 28th day of November, 1940.

A. W. CARDINALL,
Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 9 of 1940.

I ASSENT,
H. HENNIKER HEATON,
Governor.

28th November, 1940.

An Ordinance

To amend the Tariff Ordinance 1900, as amended by the Tariff (Import Duties) Amendment Ordinances 1929, 1931, 1933 and 1939.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows:—

Enacting Clause.

1. This Ordinance may be cited as the "Tariff (Import Duties) Amendment Ordinance 1940", and shall be read and construed as one with the Tariff Ordinance 1900.

Short Title.

2. The First Schedule to the Tariff Ordinance 1900, as amended by the Tariff (Import Duties) Amendment Ordinances 1929, 1931, 1933 and 1939, is hereby repealed and replaced by the Schedule hereto annexed.

Repeal and Replacement of First Schedule to Tariff Ordinance 1900.

Passed by the Legislative Council this 26th day of November, 1940.

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

Assented to by the Governor and given under the Public Seal of the Colony this 28th day of November, 1940.

A. W. CARDINALL,
Colonial Secretary.

FIRST SCHEDULE.

TARIFF OF IMPORT DUTIES.

On Spirits, not exceeding the strength of proof, as ascertained by Sikes' Hydrometer, and in proportion for any greater strength than strength of proof, including mixtures and preparations containing spirits, per gallon	1	6	0
On Wine in cask, per gallon		5	0
" " in bottle, per doz. litres		15	0
" " " " " " reputed quarts		11	0
" " " " " " " pints		5	6
On British Wines and all other unenumerated and unexempted beverages not liable to spirit duty,			
In cask per gallon		3	0
In bottle per dozen litres		8	9
" " " " " " reputed quarts		6	6
" " " " " " " pints		3	3
On Malt liquor, mum, spruce, cider and perry,			
In cask, per gallon		1	0
In bottle per dozen reputed quarts		2	0
" " " " " " " pints		1	0
On cigars per lb.		8	0
On cigarettes, cut and manufactured tobacco and snuff, per lb.		5	0
On all other unexempted tobacco per lb.		4	0

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

On matches, for every gross of boxes, not exceeding 10,000 matches	10	0
For every gross of boxes exceeding 10,000 matches, per 10,000 matches, and so in proportion	10	0

Provided that the tariff of import duties on matches which are manufactured in and consigned from the United Kingdom or any part of the British Empire shall be at one half of the aforesaid tariff.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 10 of 1940.

I ASSENT,

H. HENNIKER HEATON,

Governor.

28th November, 1940.

An Ordinance

To legalise certain payments made in the year One thousand Nine hundred and Thirty-nine in excess of the Expenditure sanctioned by Ordinance No. 14 of 1938.

WHEREAS it is expedient to make further provision for the service of the Colony for the year 1939. Preamble.

BE IT THEREFORE ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows :— Enacting Clause.

1. This Ordinance may be cited for all purposes as the "Supplementary Appropriation (1939) Ordinance, 1940." Short Title.

2. The sums of money set forth in the Schedule hereto having been expended for the services therein mentioned beyond the amounts granted for those services by the Ordinance providing for the service of the year One thousand Nine hundred and Thirty-nine, the same are hereby declared to have been duly laid out and expended for the service of the Colony in that year, and are hereby approved, allowed and granted in addition to the sums mentioned for those services in the said Ordinance. Appropriation of excess of expenditure for the year 1939.

Passed by the Legislative Council this 26th day of November, 1940.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 28th day of November, 1940.

A. W. CARDINALI,

Colonial Secretary.

FALKLAND ISLANDS :

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

SCHEDULE.

Number.	Head of Service.	Amount.		
		£	s.	d.
FALKLAND ISLANDS.				
I.	Pensions	388	10	10
II.	The Governor	1	7	7
V.	Audit	103	18	7
VII.	Electrical and Telegraphs	262	17	7
VIII.	Harbour	13	14	2
IX.	Legal	127	2	7
X.	Police and Prisons	28	4	3
XIV.	Naturalist	47	16	4
XV.	Military	69	18	3
XVI.	Agriculture	2104	16	9
XVII.	Miscellaneous	1316	2	10
	Total Ordinary Expenditure	£ 4464	9	9
XX.	Public Works Extraordinary	692	10	3
XXI.	Military & War	11985	10	6
	Colonial Development Fund	145	0	0
	Land Sales Fund	364	3	11
Total ...		£ 17651	14	5

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 11 of 1940.

I ASSENT,

H. HENNIKER HEATON,

Governor.

28th November, 1940.

An Ordinance

To amend the Trading with the Enemy Ordinance, 1939.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows:—

Enacting Clause.

1. This Ordinance may be cited as the Trading with the Enemy (Amendment) Ordinance, 1940, and shall be read and construed as one with the Trading with the Enemy Ordinance, 1939, (hereinafter referred to as the Principal Ordinance.)

Short Title.

2. (1) In subsection (1) of Section 2 of the Principal Ordinance after the words "any person who trades with" there shall be inserted the words "or attempts to trade with," and after paragraph (b) of subsection (2) of that Section there shall be inserted the words "And any reference in this Ordinance to an attempt to trade with the enemy shall be construed accordingly."

Trading with the enemy.

(2) Proceedings in respect of an offence of trading with the enemy alleged to have been committed by any person may be taken before the appropriate court in the Colony having jurisdiction in the place where that person is for the time being.

(3) The following subsection shall be inserted after subsection (3) of Section 2 of the Principal Ordinance:—

"(3a) In any proceedings for an offence of trading with the enemy, the fact that any document has been despatched addressed to a person in enemy territory shall, unless the contrary is proved, be evidence, as against any person who was a party to the despatch of the document, that the person to whom the document was despatched was an enemy."

FALKLAND ISLANDS :

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

3. Subsection (1) of Section 3 of the Principal Ordinance shall be amended as follows:-

- (a) At the end of paragraph (c) the word "or" shall be omitted and after paragraph (d) there shall be inserted the following words:-

"and

(e) as respects any business carried on in enemy territory, any individual or body of persons (whether corporate or unincorporate) carrying on that business;"

- (b) for the words "does not include any person by reason only that he is an enemy subject" there shall be substituted the words "does not include any individual by reason only that he is an enemy subject."

Control of Businesses.

4. After Section 4 of the Principal Ordinance there shall be inserted the following Section:-

"Power to control and wind up businesses."

4a. (1) Where any business is being carried on in the Colony by, or on behalf of, or under the direction of, persons all or any of whom are enemies or enemy subjects or appear to the Governor to be associated with enemies, the Governor may, if he thinks it expedient so to do, make-

- (a) an order (hereafter in this section referred to as a "restriction order") prohibiting the carrying on the business either absolutely or except for such purposes and subject to such conditions as may be specified in the order; or
- (b) an order (hereafter in this section referred to as a "winding up order") requiring the business to be wound up,

and the making of a restriction order as respects any business shall not prejudice the power of the Governor if he thinks it expedient so to do, at any subsequent date to make a winding up order as respects that business.

(2) Where an order under subsection (1) of this section is made as respects any business, the Governor may, by that or a subsequent order, appoint a controller to control and supervise the carrying out of the order, and in the case of a winding up order, to conduct the winding up of the business, and may confer on the controller any such powers in relation to the business as are exercisable by a liquidator in the voluntary winding up of a company in relation to the company (including power in the name of the person carrying on the business or in his own name, and by deed or otherwise, to convey or transfer any property, and power to apply to the court to determine any question arising in the carrying out of the order), and may by the order confer on the controller such other powers as the Governor thinks necessary or convenient for the purpose of giving full effect to the order.

(3) Where a restriction order or a winding up order is made as respects any business, the distribution of any assets of the business which are distributed while the order is in force shall be subject to the same rules as to preferential payments as are applicable to the distribution of the assets of a company which is being wound up,

and the said assets of the business shall, so far as they are available for discharging unsecured debts be applied in discharging unsecured debts due to creditors of the business who are not enemies in priority to unsecured debts due to any other creditors, and any balance, after providing for the discharge of all liabilities of the business, shall be distributed among the persons interested in the business in such manner as the Governor may direct:

Provided that the provisions of this subsection shall, in their application to the distribution of any money or other property which would, in accordance with those provisions, fall to be paid or transferred to an enemy, whether as a creditor or otherwise, have effect subject to the provisions of section eight of this Ordinance (which relates to the collection of enemy debts and the custody of enemy property) and of any order made under that section.

(4) Where any business for which a controller has been appointed under this section has assets in enemy territory, the controller shall, if in his opinion it is practicable so to do, cause an estimate to be prepared-

- (a) of the value of those assets;
- (b) of the amount of any liabilities of the business to creditors, whether secured or unsecured who are enemies;
- (c) of the amount of the claims of persons who are enemies to participate, otherwise than as creditors of the business, in any distribution of assets of the business made while an order under subsection (1) of this section is in force as respects the business:

and, where such an estimate is made, the said liabilities and claims shall, for the purposes of this section, be deemed to have been satisfied out of the said assets of the business in enemy territory, or to have been satisfied thereout so far as those assets will go, and only the balance (if any) shall rank for satisfaction out of the other assets of the business:

(5) Where an estimate has been prepared under the last preceding subsection, a certificate of the controller as to the value or amount of any assets, claims or liabilities to which the estimate relates shall be conclusive for the purpose of determining the amount of the assets of the business available for discharging the other liabilities of the business and for distribution amongst other persons claiming to be interested in the business.

Provided that nothing in this subsection shall affect the rights of creditors of, and other persons interested in the business against the assets of the business in enemy territory.

(6) The Governor may, on an application made by the controller appointed under this section, after considering the application and any objections which may be made by any person who appears to him to be interested, by order grant the controller a release, and an order of the Governor under this subsection shall discharge the controller from all liability in respect of any act done or default made by him in the exercise and performance of his powers and duties as controller; but any such order may be revoked by the Governor on proof that it

was obtained by fraud or by suppression or concealment of any material fact.

(7) If any person contravenes, or fails to comply with, the provisions of any order made under subsection (1) of this section, he shall be guilty of an offence of trading with the enemy.

(8) Where an order under subsection (1) of this section has been made as respects a business carried on by any individuals or by a company, no bankruptcy petition, or petition for sequestration or summary sequestration against the individuals, or petition for the winding up of the company, shall be presented, or resolution for the winding up of the company passed, or steps for the enforcement of the rights of any creditors of the individuals or company taken without the consent of the Governor, but where the business is carried on by a company the controller may present a petition for the winding up of the company by the court, and the making of an order under this section shall be a ground on which the company may be wound up by the court.

(9) Where an order is made under this section appointing a controller for any business, any remuneration of, and any costs, charges and expenses incurred by, the controller, and any other costs, charges and expenses incurred in connection with the control and supervision of the carrying out of the order, shall, to such amount as may be certified by the custodian of enemy property, be defrayed out of the assets of the business, and as from the date of the certificate, be charged on those assets in priority to any other charges thereon."

Provisions as to
custodians.

5. (1) The rights, powers, duties and liabilities which may be conferred and imposed by the Governor on custodians of enemy property under subsection 1 of section 8 of the Principal Ordinance shall, where it appears to the Governor that it is expedient that any business should be carried on or continue to be carried on in or from the Colony, include such rights, powers, duties and liabilities as respects the property and money mentioned in paragraph (d) of the said subsection (1) as, in the opinion of the Governor, are necessary or expedient in order to enable that business so to be carried on.

(2) The power of the Governor under the said subsection (1) shall include power, where a custodian dies or for any other reason ceases to hold office as such, by order to vest in his successor any property or right which was vested in the first mentioned custodian at the time of his dying or ceasing to hold office.

Repeal of Sections 6
and 9 of Ordinance.
No. 18 of 1939.

6. Sections 6 and 9 of the Principal Ordinance which relate to (a) transfer and allotment of securities and (b) provisions with respect to money payable to, or received by, a Clearing Office, are hereby repealed.

Certain areas to be
treated as enemy ter-
ritory.

7. After subsection 1 of Section 14 of the Principal Ordinance there shall be inserted the following subsection:-

"(1a) The Governor may, by order direct that the provisions of this Ordinance shall apply in relation to any area specified in the order as they

apply in relation to enemy territory, and the said provisions shall apply accordingly."

Passed by the Legislative Council this 26th day of November, 1940.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 28th day of November, 1940.

A. W. CARDINALI,

Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 12 of 1940.

I ASSENT.

H. HENNIKER HEATON,
Governor.

28th November, 1940.

An Ordinance

To amend the Matrimonial Causes Ordinance, 1940.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows :—

Enacting Clause.

1. This Ordinance may be cited as the Matrimonial Causes (Amendment) Ordinance, 1940, and shall be read and construed as one with the Matrimonial Causes Ordinance, 1940, hereinafter referred to as the Principal Ordinance.

Short Title.

2. The Proviso to sub-section (1) of Section 3 of the Principal Ordinance is hereby amended by the insertion of the words "exceptional hardship suffered by the petitioner or of" between the words "the case is one off" and the words "exceptional depravity" in line 4.

Amendment of Section 3 of Ordinance, No. 1 of 1940.

Passed by the Legislative Council this 26th day of November, 1940.

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

Assented to by the Governor and given under the Public Seal of the Colony this 28th day of November, 1940.

A. W. CARDINALL,
Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 13 of 1940.

I ASSENT,

H. HENNIKER HEATON,

Governor.

28th November, 1940.

An Ordinance

To amend the Pensions Ordinance, 1937.

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

Enacting Clause.

1. This Ordinance may be cited as "The Pensions (Amendment) Ordinance, 1940" and shall be read and construed as one with the Pensions Ordinance, 1937, hereinafter referred to as the Principal Ordinance.

Short Title.

2. Section 19 of the Principal Ordinance is hereby repealed and in place thereof the following Section shall have effect:—

Repeal of Section 19 of Ordinance No. 5 of 1937.

Pensions to dependants when an officer is killed on duty.

19. (1) Where an officer dies as a result of injuries received :—

- (a) in the actual discharge of his duty, and
- (b) without his own default, and
- (c) on account of circumstances specifically attributable to the nature of his duty,

while in the service of the Government of the Colony, it shall be lawful for the Governor in Council to grant, in addition to the grant, if any, made to his legal personal representative under Section 16 of this Ordinance :

- (i) if the deceased officer leaves a widow, a pension to her, while unmarried and of good character, at a rate not exceeding ten sixtieths of his annual pensionable emoluments at the date of the injury or fifteen pounds a year, whichever is the greater;
- (ii) if the deceased officer leaves a widow to whom a pension is granted under the preceding paragraph and a child or children, a pension in respect of

each child, until such child attains the age of eighteen years, of an amount not exceeding one eighth of the pension prescribed under the preceding paragraph;

- (iii) if the deceased officer leaves a child or children, but does not leave a widow or no pension is granted to the widow, a pension in respect of each child, until such child attains the age of eighteen years, of double the amount prescribed by the preceding paragraph;
- (iv) if the deceased officer leaves a child or children and a widow to whom a pension is granted under paragraph (i) of this subsection, and the widow subsequently dies, a pension in respect of each child as from the date of the death of the widow until such child attains the age of eighteen years, of double the amount prescribed in paragraph (ii) of this subsection;
- (v) if the deceased officer does not leave a widow, or if no pension is granted to his widow, and if his mother was wholly or mainly dependent on him for her support, a pension to the mother, while of good character and without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow;

Provided that—

- A. pension shall not be payable under this paragraph at any time in respect of more than six children; and
- B. in the case of a pension granted under paragraph (v) of this subsection if the mother is a widow at the time of the grant of the pension and subsequently remarries such pension shall cease as from the date of re-marriage; and if it appears to the Secretary of State at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the Secretary of State may determine;
- C. a pension granted to a female child under this section shall cease upon the marriage of such child under the age of eighteen years;
- D. No pension shall be granted under this section in cases where the dependants of a deceased officer receive compensation under the provisions of the Workmen's Compensation Ordinance, 1937;

(2) In the case of an officer not holding a pensionable office, the expression "pensionable emoluments" in the preceding subsection shall mean the emoluments enjoyed by him which would have been pensionable emoluments if the office held by him had been a pensionable office.

(3) For the purposes of this section the word "child" shall include:

- (a) a posthumous child;
- (b) a step-child or illegitimate child born before the date of the injury and wholly or mainly dependent upon the deceased officer for support, and

- (c) an adopted child, adopted in a manner recognised by law, before the date of the injury, and dependent as aforesaid.

(4) If an officer proceeding by a route approved by the Governor to or from the Colony at the commencement or termination of his service therein or of a period of leave therefrom, dies as the result of damage to the vessel or vehicle in which he is travelling or of any act of violence directed against such vessel or vehicle, and the Governor is satisfied that such damage or act is attributable to circumstances arising out of war in which His Majesty may be engaged, such officer shall be deemed, for the purposes of this section, to have died in the circumstances described in subsection (1) of this section.

Passed by the Legislative Council this 26th day of November, 1940.

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

Assented to by the Governor and given under the Public Seal of the Colony this 28th day of November, 1940.

A. W. CARDINALL,
Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 14 of 1940.

I ASSENT,

H. HENNIKER HEATON,

Governor.

28th November, 1940.

An Ordinance

To repeal the Merchant Shipping (International Labour Convention) Ordinance, 1938.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows :—

Enacting Clause.

1. This Ordinance may be cited as the "Merchant Shipping (International Labour Convention) (Repeal) Ordinance, 1940.

Short Title.

2. The Merchant Shipping (International Labour Convention) Ordinance, 1938, is hereby repealed.

Repeal of Ordinance.
No. 15 of 1938.

Passed by the Legislative Council this 26th day of November, 1940.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 28th day of November, 1940.

A. W. CARDINALL.

Colonial Secretary.

[L.S.]



FAULKLAND ISLANDS.

Ordinance No. 15 of 1940.

I ASSENT,

H. HENNIKER HEATON,

Governor.

28th November, 1940.

An Ordinance

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

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

Enacting Clause.

1. Notwithstanding any provisions to the contrary contained in the Tariff Ordinance, 1900, as amended by the Tariff (Export Duties) Amendment Ordinances, 1923 and 1924, the duty of Customs to be raised, levied and collected upon whale oil and upon seal oil which shall be raised in the Colony or in the Dependencies thereof during the 1940-41 whaling season and during the 1941 sealing season shall be fixed at the rate of one shilling and sixpence for each barrel of forty gallons.

Rate of duty on export of Whale and Seal oil during the 1940-1941 whaling season and 1941 sealing season.

2. This Ordinance may be cited as the Tariff (Export Duties) Amendment Ordinance, 1940" and shall be read and construed as one with the Tariff (Export Duties) Amendment Ordinances, 1923 and 1924.

Short Title.

Passed by the Legislative Council this 26th day of November, 1940.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 28th day of November, 1940.

A. W. CARDINALL,

Colonial Secretary.

PART II.

RULES, REGULATIONS, ETC.

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FALKLAND ISLANDS.

No. 1.

Proclamation

1940.

H. HENNIKER HEATON,
Governor.

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

Proclamation, No 1 of 1936, made be me on the 2nd day of September, 1936, prohibiting the export, including re-export, to Spain of arms and war materials, aeroplanes, aeroplane motors separate parts thereof, and munitions, is hereby repealed.

Given at Government House, Stanley, this 10th day of January, 1940.

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

M.P. 83/33.

FALKLAND ISLANDS.

No. 2.

Proclamation.

1940.

Declaration of War.

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

H. HENNIKER HEATON. *By His Excellency* SIR HERBERT HENNIKER HEATON, *Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies and Vice Admiral thereof.*

[L.S.]

I, SIR HERBERT HENNIKER HEATON, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief and Vice Admiral of the Colony of the Falkland Islands and its Dependencies, do hereby proclaim that a state of war exists between His Majesty the King and Italy.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 11th day of June, in the year of Our Lord One thousand Nine hundred and forty.

By Command,

A. W. CARDINALL,

Colonial Secretary.

FALKLAND ISLANDS.

No. 3.

Proclamation

1940.

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

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

[L.S.]

WHEREAS by Ordinance, No. 1 of 1940, entitled "An Ordinance to amend the Law relating to Marriage and Divorce", it is among other things enacted that the said Ordinance shall come into force on a day to be fixed by the Governor by Proclamation in the Government Gazette.

NOW, THEREFORE, I do Order and Proclaim, and it is hereby ordered and proclaimed, that the above-recited Ordinance shall come into force on the twelfth day of June, 1940.

GOD SAVE THE KING.

Given at Government House, Stanley, this twelfth day of June, in the Year of Our Lord One thousand Nine hundred and Forty.

By His Excellency's Command,

A. W. CARDINALL,

Colonial Secretary.

M.P. 17/38.

FALKLAND ISLANDS.

No. 4.

Proclamation

1940.

Institution of Prize Court.

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

H. HENNIKER HEATON. *By His Excellency* SIR HERBERT HENNIKER HEATON, *Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, and Vice Admiral thereof.*

[L.S.]

I, SIR HERBERT HENNIKER HEATON, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Vice Admiral of the Colony of the Falkland Islands and its Dependencies, do hereby proclaim that a state of war exists between His Majesty the King and Italy, and do hereby notify, declare and make known that the Supreme Court of the Falkland Islands is a Prize Court to take cognizance of and judicially to proceed upon all and all manner of Captures, Recaptures, Seizures, Prizes and reprisals of all Ships, Vessels and Goods seized and taken which are or shall be brought within the limits of the said Court.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 15th day of June, in the Year of Our Lord One thousand Nine hundred and forty.

By Command.

A. W. CARDINALL,

Colonial Secretary.

FALKLAND ISLANDS.

No. 5.

Proclamation

1940.

Prohibition of Importation of Aluminium into the Colony.

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

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

[L.S.]

In virtue of the powers in me vested by Section 2 of the Exports and Imports (Emergency Powers) Ordinance, 1939, I, SIR HERBERT HENNIKER HEATON, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, do hereby proclaim and order and it is hereby proclaimed and ordered that the importation into the Colony of the Falkland Islands of Aluminium for non-essential purposes is prohibited.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 20th day of September, in the Year of Our Lord One thousand Nine hundred and Forty.

By Command,

A. W. CARDINALL,

Colonial Secretary.

M.P. S/43A/39.

FALKLAND ISLANDS.

No. 6.

Proclamation.

1940.

Prohibition of exportation of certain valuables from the Colony.

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

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

[L.S.]

In virtue of the powers in me vested by Section 2 of the Exports and Imports (Emergency Powers) Ordinance, 1939, I, SIR HERBERT HENNIKER HEATON, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, do hereby proclaim and order and it is hereby proclaimed and ordered that the exportation from the Colony of the Falkland Islands to all destinations including sterling areas of Furskins and goods manufactured from Furskins; Antiques; Works of Arts; Diamonds, precious and semi-precious stones; Jewellery Gold and Platinum; Watches with cases of precious metal; and Postage Stamps is prohibited;

Provided always that this Order shall not apply to exports, expressly permitted by licence from the Competent Authority.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 1st day of October, in the year of Our Lord One thousand Nine hundred and forty.

By Command,

A. W. CARDINALL,

Colonial Secretary.

M.P. No. S/43A/39.

FALKLAND ISLANDS.

Order of His Excellency the Governor in Council.

H. HENNIKER HEATON,
Governor.

In exercise of the powers vested in him by the Post Office Ordinance, 1898, and with the advice of the Executive Council the Governor is pleased to order, and it is hereby ordered, as follows :—

1. This Order may be cited as “The Post Office (Poundage Fees) Amendment Order, 1940” and shall be read and construed as one with the Order made by the Governor in Executive Council on the 3rd day of October, 1930, as amended by the Post Office (Rates of Postage and Fees) Amendment Order, 1932.

2. The Heading “BRITISH POSTAL ORDERS” of section 1 of the Order made by the Governor in Executive Council on the 3rd day of October, 1930, is hereby repealed and replaced by the following :—

BRITISH POSTAL ORDERS.

The following are the amounts for which British Postal Orders are issued, together with the poundage fees payable in respect of each order.

<u>Amount of Order.</u>		<u>Poundage.</u>
s.	d.	d.
	6.	2.
1.	0.	2.
1.	6.	3.
2.	0.	3.
2.	6.	3.
3.	0.	3.
4.	0.	3.
5.	0.	3.
6.	0.	4.
7.	6.	4.
9.	0.	4.
10.	0.	4.
10.	6.	4.
12.	0.	4.
15.	0.	4.
17.	6.	4.
20.	0.	4.
21.	0.	4.

The value of a Postal Order may be increased by an amount not exceeding 5d. (excluding fractions of a penny) by affixing Falkland Islands postage stamps, in number not more than the number of spaces provided on the face of the order. Stamps perforated with initials or marks, or embossed or impressed stamps cut out of envelopes, postcards, etc., will not be accepted for this purpose.

3. This Order shall come into force on the 1st day of June, 1940.

Made by the Governor in Executive Council at a Meeting held on the 11th day of May, 1940.

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

FALKLAND ISLANDS.

Order of His Excellency the Governor in Council.

H. HENNIKER HEATON,

Governor.

In exercise of the powers vested in him by the Post Office Ordinance, 1898, and with the advice of the Executive Council, His Excellency the Governor is pleased to order, and it is hereby ordered that :—

1. This Order may be cited as the Post Office (Rates of Postage and Fees) Order, 1940.

2. On and after the 1st of September, 1940, the following rates of postage and fees shall be in force :—

LETTERS.

Sent from the Colony to the United Kingdom and other parts of the British Empire and Egypt, 1d. per ounce or part of an ounce.

To all other parts of the world 3d. for the first ounce and 2d. for each additional ounce or fraction of an ounce.

POST CARDS AND LETTER CARDS.

To the United Kingdom and other parts of the British Empire and Egypt, 1d. Reply Post Cards, 2d.

To all other parts of the world, 2d. Reply Post Cards 4d.

BOOKS AND NEWSPAPERS.

To all parts of the world.

Newspapers, private papers, and books, per 2 ozs. ...	...	...	1d.
Commercial Papers (with minimum of 3d.) per 2 ozs. ...	...	...	1d.
Patterns and Samples (with minimum of 1d.) per 2 ozs. ...	...	...	1d.
Blind Literature, per 2 lbs. ...	...	...	1d.

SMALL PACKETS.

1d. per 2 ounces, with a minimum charge of 5d.

Clearance of small packets containing dutiable goods, 6d.

(The limit of weight is 2 lbs. The maximum dimensions are 18 inches by 8 inches by 4 inches or if in roll form 18 inches in length by 6 inches in diameter.)

INSURED BOXES.

3d. per 2 ounces with a minimum of 1/-.

(An insured box must not exceed 2 lbs in weight and must not measure more than 12 inches in length, 8 inches in breadth, and 4 inches in height.)

PARCEL POST.

To the United Kingdom direct.

Weighing not over 3 lbs. ...	...	...	1s.	9d.
Over 3 lbs. but not over 7 lbs. ...	...	...	3s.	3d.
„ 7 „ „ „ „ 11 „ ...	...	...	4s.	6d.
„ 11 „ „ „ „ 22 „ ...	...	...	8s.	0d.

To and from the United Kingdom via Montevideo.

Weighing not over 3 lbs. ...	2s.	3d.
Over 3 lbs. but not over 7 lbs. ...	3s.	9d.
" 7 " " " " 11 " ...	5s.	6d.
" 11 " " " " 22 " ...	9s.	0d.

Compensation for loss or damage of uninsured parcels :—

For a parcel not exceeding 11 lbs., not to exceed	£1.	0s.	0d.
For a parcel exceeding 11 lbs., not to exceed	£1.	12s.	0d.

CASH ON DELIVERY SERVICE.

For parcels delivered in Stanley, for each parcel ...	4d.
For parcels delivered in the United Kingdom, for each parcel	4d.

Special Cash on Delivery fees for parcels to the United Kingdom :—

Trade charge not exceeding.	Fee.	Trade charge not exceeding.	Fee.
£	s. d.	£	s. d.
1	4½	21	4 6½
2	7	22	4 9
3	9½	23	4 11½
4	1 0	24	5 2
5	1 2½	25	5 4½
6	1 5	26	5 7
7	1 7½	27	5 9½
8	1 10	28	6 0
9	2 0½	29	6 2½
10	2 3	30	6 5
11	2 5½	31	6 7½
12	2 8	32	6 10
13	2 10½	33	7 0½
14	3 1	34	7 3
15	3 3½	35	7 5½
16	3 6	36	7 8
17	3 8½	37	7 10½
18	3 11	38	8 1
19	4 1½	39	8 3½
20	4 4	40	8 6

The foregoing Special Cash on Delivery fees are also charged in the United Kingdom on parcels for delivery at Stanley.

INSURANCE ON LETTERS, PARCELS AND BOXES.

The maximum amount of insurance is £50 and the fee is 9d. per £12 of declared value or portion thereof.

REGISTRATION.

To all parts of the world ...	3d.
Advice of delivery of registered or insured articles, applied for at time of posting ...	5d.
Enquiry for a postal packet, and advice of delivery of registered articles applied for after posting ...	6d.

PAYMENT FOR LOSS.

The maximum limit of compensation for the loss of a registered article is £2. Registration in the international service does not give any title to compensation for loss or damage of the contents of any registered letter or packet as distinct from the loss of the entire packet. Under an exceptional arrangement, however, with the General Post Office, London, compensation may, as an act of grace, be paid up to a maximum of £2 in cases where the contents

of a registered letter or packet, posted to an address in the United Kingdom, are lost.

IMPERIAL REPLY COUPONS.

Imperial Reply Coupons valid for exchange within the British Empire may be obtained at the Post Office, Stanley, at a price of 2½d. for each Coupon. These Coupons may be exchanged in any part of the British Empire for a postage stamp or stamps representing the postage on a single rate letter to a destination within the Empire. Coupons are valid for six months exclusive of the month of issue.

INTERNATIONAL AND FOREIGN MONEY ORDERS.

The maximum amount allowed for a single Money Order is £40.

Rates of Poundage will be charged as follows :—

For sums not exceeding.	Poundage.	For sums not exceeding.	Poundage.
£	s. d.	£	s. d.
1	6	21	6 0
2	1 0	22	6 3
3	1 6	23	6 6
4	1 9	24	6 9
5	2 0	25	7 0
6	2 3	26	7 3
7	2 6	27	7 6
8	2 9	28	7 9
9	3 0	29	8 0
10	3 3	30	8 3
11	3 6	31	8 6
12	3 9	32	8 9
13	4 0	33	9 0
14	4 3	34	9 3
15	4 6	35	9 6
16	4 9	36	9 9
17	5 0	37	10 0
18	5 3	38	10 3
19	5 6	39	10 6
20	5 9	40	10 9

The Remitter of a money Order may, if he so desires, obtain an Advice of Payment. The fee payable for this service is 3d.

BRITISH POSTAL ORDERS.

The following are the amounts for which British Postal Orders are issued, together with the poundage fees payable in respect of each order.

Amount of Order.	Poundage.	Amount of Order.	Poundage.
s. d.	d.	s. d.	d.
6	2	6 0	4
1 0	2	7 6	4
1 6	3	9 0	4
2 0	3	10 0	4
2 6	3	12 0	4
3 0	3	15 0	4
4 0	3	20 0	4
5 0	3	21 0	4

The value of a Postal Order may be increased by affixing Falkland Islands postage stamps, in number not more than the number of spaces provided on the face of the order, by an amount not exceeding 5d. (excluding fractions of a penny) on Postal Orders of denominations up to and including 5/-, and to an amount not exceeding 11d. on Postal Orders of higher value. Stamps perforated with initials or marks, or imbossed or impressed stamps cut out of envelopes, postcards, etc., will not be accepted for this purpose.

INLAND POSTAGE.

Letters 1d. per ounce or part of an ounce. Post Cards 1d. Reply Post Cards 2d.

Newspapers, books, etc. :—

Not exceeding 4 ounces in weight	...	...	1d.
Exceeding 4 ounces but not exceeding 6 ounces	...	...	1½d.
Exceeding 6 ounces but not exceeding 8 ounces	...	...	2d.

and so on at the rate of ½d. for every subsequent 2 ounces or fraction of 2 ounces up to 2 lbs.

INLAND PARCEL POST.

For a parcel not exceeding 2 lbs. in weight	...	...	9d.
Exceeding 2 lbs. but not exceeding 5 lbs.	...	...	1s. 0d.
" 5 " " " " 8 "	...	...	1s. 3d.
" 8 " " " " 11 "	...	...	1s. 6d.
" 11 " " " " 22 "	...	...	3s. 0d.

INLAND REGISTRATION.

Any letter, parcel or other postal packet may be registered. The fee for registration is 3d.

3. The Order made by the Governor in Council on the 3rd day of October, 1930, relating to rates of postage and fees, the Post Office (Rates of Postage and Fees) Amendment Order, 1932, and the Post Office (Poundage Fees) Amendment Order, 1940, are hereby cancelled.

Made by the Governor in Executive Council at a meeting held on the 28th day of August, 1940.

A. I. FLEURET,

Clerk of the Executive Council.

M.P. 363/30.

FALKLAND ISLANDS.

Trading with the Enemy Ordinance, 1939.

The Trading with the Enemy (specified persons) Order, 1940.

H. HENNIKER HEATON,
Governor.

In pursuance of the powers vested in him by Section 3 (2) of the Trading with the Enemy Ordinance, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows:—

1. Each of the persons specified in the Schedule to the Trading with the Enemy (Specified Persons) Order of the United Kingdom, 1939, as amended by the Trading with the Enemy (Specified Persons) (Amendment) Order, 1939, and the Trading with the Enemy (Specified Persons) (Amendment) (No. 2) and (No. 3) Orders, 1939, shall for the purposes of the Trading with the Enemy Ordinance of the Falkland Islands No. 18 of 1939, be deemed to be an enemy within the meaning of that Ordinance during such period as this Order shall in relation to such person remain in force.

2. This Order may be cited as the Trading with the Enemy (Specified Persons) Order, 1940, and shall come into operation from this date.

By Command,

M. C. CRAIGIE-HALKETT,
Colonial Secretary.

Stanley,

14th March, 1940.

M.P. S/10/39.

FALKLAND ISLANDS.

Trading with the Enemy Ordinance, 1939.

The Trading with the Enemy (specified persons) (Amendment) (No. 1) Order, 1940.

H. HENNIKER HEATON

Governor.

In pursuance of the powers vested in him by Section 3 (2) of the Trading with the Enemy Ordinance, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows:—

1. Each of the persons specified in the Schedule to the United Kingdom Trading with the Enemy (Specified Persons) (Amendment) (No. 4) Order, 1939, as amended by the Trading with the Enemy (Specified Persons) (Amendment) (No. 1) Order, 1940, shall for the purposes of the Falkland Islands Trading with the Enemy Ordinance No. 18 of 1939, be deemed to be an enemy within the meaning of that Ordinance during such period as this Order shall in relation to such person remain in force.

2. The Trading with the Enemy (Specified Persons) Order, 1940, of March 14th, 1940, is hereby revoked.

3. This Order may be cited as the Trading with the Enemy (Specified Persons) (Amendment) (No. 1) Order, 1940, and shall come into operation on the tenth day of April, 1940.

Dated this ninth day of April, 1940.

By Command,

A. W. CARDINALL,

Colonial Secretary.

M.P. S/10/39.

(N.B.—The Schedule referred to above can be seen on application at the Colonial Secretary's Office.)

FALKLAND ISLANDS.

Falkland Islands Defence Regulations.

Order for Detention and Control of Enemy Subjects.

H. HENNIKER HEATON,
Governor.

In exercise of the powers in him vested by the Falkland Islands Defence Regulations, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows:-

1. That the enemy subject whose name is set out below shall be detained until this Order is rescinded or otherwise varied:-

From Norwegian s.s. "Vinga".

Member of crew – Heinz Gunther Noher.

2. That the said enemy subject shall be detained under the command and control of the Officer Commanding the Falkland Islands Defence Force.

By Command,
A. W. CARDINALL,
Colonial Secretary.

Stanley,
21st April, 1940.

M.P. 176/39.

FALKLAND ISLANDS.

Order.

Falkland Islands Defence Regulations.

H. HENNIKER HEATON,

Governor.

In exercise of the powers in him vested by the Falkland Islands Defence Regulations, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows:-

The Order made on the 13th day of September, 1939, for the detention and control of certain enemy subjects therein mentioned to wit :-

Ex-German vessel "Carl Fritzen".

Officers -	A. Hamann.	H. Warncke.
	G. Peter.	O. Gloystein.
	K. Kilius.	K. Hyde.
	H. Sankowsky.	J. Diercksen.
	H. Riese.	
Crew -	Hand Gualmann	Friedrich Witt.
	Heinz Iesch.	Otto Koch.
	Gerhard Hoffman.	Walter Schulz.
	Walter Wurm.	Herbert Blank.
	August Weber.	Werner Kohnke.
	Fritz Schellhase.	Johannes Bitzner.
	Ludwig Eiermann Heizer.	Gunter Heinrich.
	Johannes Wohlers.	Gunter Simon.
	Paul Kotzner.	Wilhelm Lehnert.
	Paul Reimer.	August Schutte.
	Theodor Czapule.	Hermann Johann.
	August Riesberg.	Emil Baum.

is hereby rescinded.

By Command,

A. W. CARDINALL,

Colonial Secretary.

Stanley,

29th April, 1940.

M.P. 176/39.

FALKLAND ISLANDS.

Trading with the Enemy Ordinance, 1939.

The Trading with the Enemy (specified persons) (Amendment) (No. 2) Order, 1940.

H. HENNIKER HEATON,
Governor.

In pursuance of the powers vested in him by Section 3 (2) of the Trading with the Enemy Ordinance, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows:—

1. Each of the persons specified in the Schedule to the United Kingdom Trading with the Enemy (Specified Persons) (Amendment) (No. 4) Order, 1939, as varied by the Trading with the Enemy (Specified Persons) (Amendment) (No. 1) Order, 1940, the Trading with the Enemy (Specified Persons) (Amendment) (No. 2) Order, 1940, and the Trading with the Enemy (Specified Persons) (Amendment) (No. 3) Order, 1940, shall for the purposes of the Falkland Islands Trading with the Enemy Ordinance, No. 18 of 1939, be deemed to be an enemy within the meaning of that Ordinance during such period as this Order shall in relation to such person remain in force.

2. The Trading with the Enemy (Specified Persons) (Amendment) (No. 1) Order, 1940, of the 9th of April, 1940, is hereby revoked.

3. This Order may be cited as the Trading with the Enemy (Specified Persons) (Amendment) (No. 2) Order, 1940, and shall come into operation on the 14th day of May, 1940.

Dated this 14th day of May, 1940.

By Command,

A. W. CARDINALL,
Colonial Secretary.

M.P. S/10/39.

(N.B.—The Schedule referred to above can be seen on application at the Colonial Secretary's Office.)

FALKLAND ISLANDS.

The Trading with the Enemy (specified persons) (Amendment) (No. 2) Order, 1940.

H. HENNIKER HEATON,
Governor.

In pursuance of the powers vested in him by Section 3 (2) of the Trading with the Enemy Ordinance, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows:—

1. Each of the persons specified in the Schedule to the United Kingdom Trading with the Enemy (Specified Persons) (Amendment) (No. 4) Order, 1940, as varied by the Trading with the Enemy (Specified Persons) (Amendment) (No. 5) Order, 1940, and the Trading with the Enemy (Specified Persons) (Amendment) (No. 6) Order, 1940, shall for the purposes of the Falkland Islands Trading with the Enemy Ordinance, No. 18 of 1939, be deemed to be an enemy within the meaning of that Ordinance during such period as this Order shall in relation to such person remain in force.

2. The Trading with the Enemy (Specified Persons) (Amendment) (No. 2) Order, 1940, of the 14th of May, 1940, is hereby revoked.

3. This Order may be cited as the Trading with the Enemy (Specified Persons) (Amendment) (No. 3) Order, 1940, and shall come into operation on the 19th day of August, 1940.

Dated this 17th day of May, 1940.

By Command,

A. W. CARDINALL,
Colonial Secretary.

M.P. 8/10/39.

(N.B.—The Schedule referred to above can be seen on application at the Colonial Secretary's Office.)

FALKLAND ISLANDS.

Defence (Finance) Regulations, 1939.

Order by His Excellency the Governor.

H. HENNIKER HEATON.

Governor.

Under the authority of the Defence (Finance) Regulations, 1939, as amended by the Defence (Finance) Amendment Regulations, 1940. His Excellency the Governor is pleased to order the exemption from the provisions of Regulation 3 (1) (c) (importation of Bank of England, Scottish and Northern Ireland Bank Notes) of importations from Uruguay and Chile and by His Majesty's Ships.

Dated this 21st day of August, 1940.

By Command,

A. W. CARDINALI,

Colonial Secretary.

M.P. S/29/39.

FALKLAND ISLANDS.

Defence (Finance) Regulations, 1939.

Order by His Excellency the Governor.

H. HENNIKER HEATON,
Governor.

1. Under the authority of the Defence (Finance) Regulations, 1939, as amended by the Defence (Finance) Amendment Regulations, 1940, His Excellency the Governor is pleased to order the exemption from the provisions of Regulations (3) (i) (c) (importation of Bank of England, Scottish and Northern Ireland Bank Notes) of importations by His Majesty's Ships and of importations from Uruguay and Chile provided the Bank Notes from Uruguay and Chile were posted on or before the 27th of August, 1940, or are importations brought into the Colony by a person who has not been in any territory outside the sterling area since the 27th of August, 1940.

2. The Order made by the Governor on the 21st of August, 1940, is hereby revoked.

Dated this 27th day of August, 1940.

By Command,
A. W. CARDINALL,
Colonial Secretary.

M.P. S/29/39.

FALKLAND ISLANDS.

The Trading with the Enemy (specified persons) (Amendment) (No. 4) Order, 1940.

H. HENNIKER HEATON,
Governor.

In pursuance of the powers vested in him by Section 3 (2) of the Trading with the Enemy Ordinance, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows:—

1. Each of the persons specified in the Schedule to the United Kingdom Trading with the Enemy (Specified Persons) (Amendment) (No. 4) Order, 1940, as varied by the Trading with the Enemy (Specified Persons) (Amendment) (No. 5) Order, 1940, the Trading with the Enemy (Specified Persons) (Amendment) (No. 6) Order, 1940, the Trading with the Enemy (Specified Persons) (Amendment) (No. 7) Order, 1940, and the Trading with the Enemy (Specified Persons) (Amendment) (No. 8) Order, 1940, shall be deemed to be an enemy during such period as this Order shall in relation to such persons remain in force.

2. The Trading with the Enemy (Specified Persons) (Amendment) (No. 3) Order, 1940, of the 17th of May, 1940, is hereby revoked.

3. This Order may be cited as the Trading with the Enemy (Specified Persons) (Amendment) (No. 4) Order, 1940, and shall come into operation on the 6th day of September, 1940.

Dated this 5th day of September, 1940.

By Command,

A. W. CARDINALL,

Colonial Secretary.

M.P. S/10/39.

(N.B.—The Schedule referred to above can be seen on application at the Colonial Secretary's Office.)

FALKLAND ISLANDS.

Falkland Islands Defence Regulations.

Order declaring certain Areas in the Colony to be Protected Areas.

H. HENNIKER HEATON,
Governor.

In exercise of the powers in him vested by Regulation No. 28 of the Falkland Islands Defence Regulations, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows :—

1. That the areas specified in the subjoined Schedule are protected areas and the entry of all persons into those areas except Officers and men of the Falkland Islands Defence Force and such other persons as may from time to time be given permission in writing by the Officer Commanding the Falkland Islands Defence Force, is strictly forbidden.

2. Persons acting in contravention of this Order will do so at their own peril and risk.

Dated this tenth day of September, 1940.

By Command,

A. W. CARDINALL,
Colonial Secretary.

SCHEDULE.

The following are the areas referred to in the Order :—

1. Wireless Telegraph Station and its surrounding fenced enclosure.
2. Within 250 yards of the Summit of Sapper Hill.
3. Within 400 yards of Canopus Hut.
4. Navy Point east of Agricultural Department Experimental ground.
5. Within 500 yards of Cape Pembroke Lighthouse, Tussac Point, Arrow Point and the Summit of Signal Hill (Mount Low).

FALKLAND ISLANDS.

Defence Regulations, 1939.

Order by His Excellency the Governor.

H. HENNIKER HEATON,

Governor.

His Excellency the Governor in pursuance of the powers vested in him by Regulation No. 6 of the Defence Regulations, 1939, is pleased to order and it is hereby ordered, as follows:-

1. Except with the permission in writing of the Competent Authority no documents, pictorial representation or photograph or other article whatsoever recording information shall be sent or conveyed from the Colony to any destination outside the Colony otherwise than by post, or conveyed into the Colony otherwise than by Post. (Document includes letters and postcards).

2. No person shall have any article in his possession for the purpose of sending or conveying it in contravention of this order.

3. This Order shall not apply to ships papers or documents relating to cargo ordinarily entrusted to the master of a vessel by the ship owners or agents.

4. This Order applies to all persons entering or leaving the Colony and includes both members of the crew and passengers on any vessel.

5. Any person handing any member of the crew or passenger on any vessel leaving the Colony or receiving from any member of the crew or passenger on any vessel arriving in the Colony any article mentioned in this Order shall be guilty of an offence against this Order.

Dated this 14th day of October, 1940.

By Command,

A. W. CARDINALL,

Colonial Secretary.

M.P. S/7/39.

FALKLAND ISLANDS.

Order.

Falkland Islands Defence Regulations.

H. HENNIKER HEATON,
Governor.

In exercise of the powers in him vested by the Falkland Islands Defence Regulations, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows :-

The Order made on the 29th of May, 1940, for the detention and control of the person therein mentioned, to wit :-

EDWARD JEFFERY HAMM.

is hereby rescinded.

Dated this 26th day of October, 1940.

By Command,

A. W. CARDINALL,
Colonial Secretary.

M.P. S/34/40.

FALKLAND ISLANDS.

Order.

Falkland Islands Defence Regulations.

H. HENNIKER HEATON,
Governor.

WHEREAS by orders dated the 3rd of September, 1939, and the 21st of April, 1940, the enemy subjects whose names are set out below were detained under the command and control of the Officer Commanding the Falkland Islands Defence Force;

ANDREAS SOLLNER,	member of the crew of the British vessel "Lafonia".
HEINZ GUNTHER NOHER,	member of the crew of the Norwegian vessel "Vinga".

AND WHEREAS it appears to the Governor that it is expedient in the interests of the public safety and the defence of the realm that the said enemy subjects should be detained but that their detention in the Colony is inexpedient;

AND WHEREAS arrangements have been made with the Union of South Africa for the removal of the said enemy subjects to that country and for their detention therein;

NOW, THEREFORE, His Excellency the Governor, in exercise of the powers in him vested by the Falkland Islands Defence Regulations, 1939, is pleased to order and it is hereby ordered that the said enemy subjects shall be placed on board the British ship "Lafonia" and be detained under the command and control of the master and after their arrival in the Union of South Africa be delivered over to the charge of the Union Authorities.

Dated this 26th day of October, 1940.

By Command,
A. W. CARDINALL,
Colonial Secretary.

FALKLAND ISLANDS.

Order.

Falkland Islands Defence Regulations.

H. HENNIKER HEATON,
Governor.

In exercise of the powers in him vested by the Falkland Islands Defence Regulations, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows :—

The Orders made on the 3rd of September, 1939, and the 21st of April, 1940, for the detention and control of certain enemy subjects therein mentioned, to wit :—

ANDREAS SOLLNER,	member of the crew of the British vessel "Lafonia".
HEINZ GUNTHER NOHER,	member of the crew of the Norwegian vessel "Vinga".

are hereby rescinded.

Dated this 26th day of October, 1940.

By Command,

A. W. CARDINALL,
Colonial Secretary.

FALKLAND ISLANDS.

Order.

Falkland Islands Defence Regulations.

H. HENNIKER HEATON,
Governor.

WHEREAS by an Order dated the 29th day of May, 1940, one EDWARD JEFFERY HAMM, a British Subject, was detained under the command and control of the Officer Commanding the Falkland Islands Defence Force;

AND WHEREAS it appears to the Governor that it is expedient in the interests of the public safety and the defence of the realm that the said British Subject should be detained but that his detention in the Colony is inexpedient;

AND WHEREAS arrangements have been made with the Union of South Africa for the removal of the said British Subject to that Country and for his detention therein;

NOW, THEREFORE, His Excellency the Governor in exercise of the powers in him vested by the Falkland Islands Defence Regulations, 1939, is pleased to order and it is hereby ordered that the said British Subject shall be placed on board the British ship "Lafonia" and be detained under the command and control of the Master and after his arrival in the Union of South Africa be delivered over to the charge of the Union Authorities.

Dated this 26th day of October, 1940.

By Command,

A. W. CARDINALL,
Colonial Secretary.

M.P. S/34/40.

FALKLAND ISLANDS.

The Trading with the Enemy (Specified Persons) (Amendment) (No. 5) Order, 1940.

H. HENNIKER HEATON,
Governor.

In pursuance of the powers vested in him by Section 3 (2) of the Trading with the Enemy Ordinance, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows:-

1. Each of the persons specified in the Schedule to the United Kingdom Trading with the Enemy (Specified Persons) (Amendment) (No. 4) Order, 1940, as varied by the Trading with the Enemy (Specified Persons) (Amendment) (No. 5) Order, 1940, the Trading with the Enemy (Specified Persons) (Amendment) (No. 6) Order, 1940, the Trading with the Enemy (Specified Persons) (Amendment) (No. 7) Order, 1940, the Trading with the Enemy (Specified Persons) (Amendment) (No. 8) Order, 1940, the Trading with the Enemy (Specified Persons) (Amendment) (No. 9) Order, 1940, and the Trading with the Enemy (Specified Persons) (Amendment) (No. 10) Order, 1940, shall be deemed to be an enemy during such period as this Order shall in relation to such persons remain in force.

2. The Trading with the Enemy (Specified Persons) (Amendment) (No. 4) Order, 1940, of the 5th of September, 1940, is hereby revoked.

3. This Order may be cited as the Trading with the Enemy (Specified Persons) (Amendment) (No. 5) Order, 1940, and shall come into operation on the 5th day of December, 1940.

Dated this 5th day of December, 1940.

By Command,

A. W. CARDINALL,

Colonial Secretary.

M.P. S/10/39.

(N.B.—The Schedule referred to above can be seen on application at the Colonial Secretary's Office.)

FALKLAND ISLANDS.

Rules made by His Excellency the Governor in Council
with reference to Fees in Prize Court Cases.

H. HENNIKER HEATON,

Governor.

WHEREAS by virtue of section 7 (i) of the Colonial Courts of Admiralty Act, 1890, the Supreme Court is authorized to make rules touching the practice and procedure on fees and costs of the said Court in its Prize Court Jurisdiction.

AND WHEREAS the Governor in Council may by virtue of the provisions of section 33 of the Administration of Justice Ordinance, 1901, make rules with reference to Fees of Court and costs, it is hereby ordered that :—

1. The fees to be taken in prize matters in the Supreme Court by the Court and its Officers shall be those laid down in Appendix B of the Statutory Rules and Orders, 1939, made by Order in Council dated October 19th, 1939, by the King's Most Excellent Majesty in Council.

By Command,

A. W. CARDINALL,

Colonial Secretary.

Stanley,

11th May, 1940.

M.P. S/32/39.

FALKLAND ISLANDS.

Rules made by the Governor in Council under the powers conferred by section 84 of the Income Tax Ordinance No. 20 of 1939.

H. HENNIKER HEATON

Governor.

1. Every person liable to pay income tax shall on or before the 31st day of August, 1940, and on or before the 30th day of April in each subsequent year deliver to the Income Tax Commissioner a true and correct return of all income from all sources in the form hereinafter prescribed.

2. The following forms shall be the forms used by the Commissioner in pursuance of the duties under the Income Tax Ordinance No. 20 of 1939.

3. The tax on mortgage or debenture interest as provided for by Section 32 shall be payable to the Financial Secretary within seven days from the date of rendition of the account to the Commissioner.

4. All allowances in respect of wear and tear under sections 10 (1) (c) and 11 shall be calculated on the written down or diminished value of the machinery or plant. Such written down value shall be arrived at by deducting year by year from the original cost of the machinery or plant, the annual wear and tear, calculated at the percentage rates allowed by the Commissioner which has occurred since the purchase of such machinery or plant, and the allowance for wear and tear when so arrived at shall be included as a trade expense of the year the profits and gains of which are chargeable under this Ordinance, and in which year such machinery or plant were in actual use.

5. No deduction for wear and tear shall be allowed for any year if the deduction, when added to the deductions allowed on that account for any previous years to the person by whom the business or trade is carried on, will make the aggregate amount of the deductions exceed the actual cost of such person or lessor of the machinery or plant, including in that actual cost any expenditure in the nature of capital expenditure on the machinery or plant, by way of renewal, improvement or re-instatement. If for the purpose of any allowance under this section the Commissioner is satisfied that, owing to the absence of full records, the precise date or dates of the original purchase or the cost price of any machinery or plant cannot be furnished, he may to the best of his judgment and from such information as is available, make an approximate estimate of the present written down or diminished value from cost on which to make the percentage allowance.

6. For the purpose of ascertaining the chargeable income of any person there shall be a deduction allowed for annuities (Section 10 (1) (f)).

7. Where any mortgage or debenture interest forms part of the chargeable income of any person resident out of the Colony and the tax provided by section 32 of the Ordinance has been deducted and paid to the Financial Secretary by the person paying such mortgage or debenture interest, the amount so paid to the Financial Secretary shall be set off for the purposes of collection against the tax charged on that chargeable income.

8. It shall be lawful for the Financial Secretary to deduct from any emoluments or pensions payable out of the revenue of the Colony, Income Tax due and payable by any person entitled to receive such emoluments or pension provided that it shall be lawful for the Governor to authorise that such deduction may be made by such monthly deductions as he thinks fit.

Made by the Governor in Executive Council at a meeting held on the 11th day of May, 1940.

A. I. FLEURET,

Clerk of the Executive Council.

FALKLAND ISLANDS.

Income Tax Ordinance, 1939.

Section 33 (2).

NOTICE REQUIRING A RETURN TO BE MADE.

To.....

of.....

TAKE notice that you are required to make and deliver to the Income Tax Commissioner at the Treasury, Stanley, within days after the date of the service of this notice on you a Return of your income in respect of the year ended on the 31st day of December, 19

Dated this day of 19

Commissioner.

N.B.—1. All Returns shall be made on the prescribed forms which may be obtained at the Treasury, Stanley.

(Duplicate): To be returned to the Commissioner, after the affidavit of service has been sworn to.

(Duplicate) To be returned to the Commissioner, after the affidavit of service has been sworn to.

FALKLAND ISLANDS.

Form No. 1.

Income Tax Ordinance, 1939. Section 33 (2).

NOTICE REQUIRING A RETURN TO BE MADE.

To.....

of.....

TAKE notice that you are required to make and deliver to the Income Tax Commissioner at the Treasury, Stanley, within days after the date of the service of this notice on you a Return of your income in respect of the year ended on the 31st day of December, 19

Dated this day of 19

Commissioner.

N.B.—1. All Returns shall be made on the prescribed forms which may be obtained at the Treasury, Stanley.

AFFIDAVIT OF SERVICE.

I of make oath and say that I served a true copy of the foregoing notice on of on the day of 19 by delivering the same to him personally, or* by leaving the same at his place of abode at with one

Sworn to before me this day of 19

Deponent.

J.P.

*Strike out the description not applicable to the manner in which the service was effected.
N.B.—The person serving the notice should explain its purport to the person to whom it is delivered.

FALKLAND ISLANDS.

No. of Assessment

Form No. 2.

.....19.....

CONFIDENTIAL.

INCOME TAX ORDINANCE—Ordinance No. 20 of 1939.

Name in full

(Taxpayer, Firm or Company.)

Address

STATUTORY DECLARATION

I,

of

as the*

do hereby solemnly and sincerely declare that the statement or statements herein, or herein referred to and appended hereto, is a full, just and true return of the whole of income from every source whatsoever in respect of the year ended on the day of 19, estimated to the best of my knowledge and belief, according to the directions and Rules of the said Ordinance. I make this Declaration conscientiously believing the same to be true and just in every particular, and I am well aware that if there is any statement in this declaration which is false in fact, which I know or believe to be false or do not believe to be true, I am liable to a fine not exceeding £100 or to imprisonment with or without hard labour for a term not exceeding six months (Section 80).

Declared before me this

day of

19

†.....

†This declaration may be made before a Justice of the Peace, a Notary Public, a Minister of Religion, the Income Tax Collector, or the Head of a Government Department.

*State whether the Return is made—

- (i) On your own behalf.
- (ii) As the Precedent Partner for the time being of a Firm.
- (iii) As the Secretary or other responsible Officer of any Corporate Body.
- (iv) As the Attorney, Agent, Factor, Trustee, Manager, &c., and for whom.
- (v) As Trustee, Executor, Administrator, etc., and for which Estate, etc.

N.B.—In the case of a Firm, the General Declaration above must be made by the Precedent Partner for the time being, or in cases where none of the partners is resident in the Colony, by the Attorney, Manager, Agent, &c.

If no income is returnable under any of the Heads below, the words "None" should be entered in the money column (3). In no case must such column be left blank.

Column 1	Income in respect of the year 19 Source of Income under each Head Column 2	Amount Chargeable Column 3
1	Income accruing, derived or received from Rents, Royalties and other profits arising from property. Net Income as per statement attached hereto.....	
2	Annual value of land and improvements thereon used by or on behalf of the owner or used rent free by the occupier, for the purpose of residence or enjoyment and not for the purpose of gain or profit, such annual value deemed to be 5% of the capital value £.....	
3	Profits derived from the working of Farm or the occupation and cultivation of Land of every description. Net income as per statement attached hereto	
4	Estimated value of produce consumed on Farm by Taxpayer and his family	
5	From dealing in live stock	
6	From salary as..... (State name of Employer)	
7	Annual value of any quarters or board or residence or of any other allowance granted in respect of employment whether in money or otherwise.....	
8	Income of Wife (as per statement attached)	
9	Pensions received from	
10	Income derived from the profession of a.....	
11	As a..... (State name of trade or business)	
12	As a partner in the firm of.....	
13	As Agent for.....	
14	From investments in Savings Bank..... .....Debentures, Stocks or Bonds.....Mortgages, Loans, etc. (Statement to be attached setting out fully the amount and nature of investments)	
15	From other sources not enumerated above as per statement enclosed	
	Total Taxable Income	
16	Income not accruing in, derived from, or received in the Colony, as per statement attached, for which I claim exemption under Section 5	
17	Interest on loans charged on the Public Revenue of the Colony which is exempted from taxation (Section 9) (as per statement attached)	
	Total Income from all sources £	

Under the provisions of the said Ordinance I hereby claim the following deductions from the above income:-

- As a Resident / or British Subject (Section 21) £150 : 0 : 0
- In respect of premium paid to.....
.....Insurance Company / or
to the Widows, and Orphans' Pension Fund in the Colony of
.....in the year ended
19 , for Insurance on my life / or on the life
of my wife (Section 17) £.....
- Children under 16 years of age living on the commencement of the year preceding the year of assessment as follows:—

Name of child.	Date of Birth.	Present age.

- For my wife (Section 15.) £.....
- Income Tax paid in the United Kingdom / or as per certificate attached (Sections 46 and 47) £.....
- 1/10 of my earned income (Section 14) £.....
- Trade losses on
.....during the year 19 , (Section 13) £.....
Total deductions claimed ... £.....

Net Chargeable Income.

Total Taxable Income	... ..	£.....
Less Total Deductions Claimed	... ..	£.....
Net Chargeable Income for the year 19	... ..	£.....

N.B.—Those portions of the return not applicable to taxpayer's case should be struck out.

Whenever practicable, a statement must always be enclosed with this Return showing how the net amount of income was arrived at. In cases where proper books of account are kept, a certified copy of the **Profit & Loss Account and the Balance Sheet** must be enclosed.

Partnerships.

DECLARATION as to partners in a Firm and the division of the profits of such Firm between the respective partners therein (Section 33 of the Ordinance).

PARTICULARS of the Share of each Partner in the Net Total Profits of the Firm as entered on page 2.

N.B.—Interest on the capital of, and salaries of, Partners, must be included.

Names of the partners as at 1 (Beginning of year)	Address of each partner.	State in each case whether "General," "Special," "Acting," or "Salaried" Partner.	Profits.	
			Basis of distribution under the partnership.	Amount of each partner's share.

.....

(Total to agree with the total net profits of the Firm as returned on page 2).

FALKLAND ISLANDS.

Form No. 3.

INCOME TAX ORDINANCE—Ordinance No. 20 of 1939.

**Notice to Employer to Deliver Statement as to the Persons
Employed by Him.**

To
of

Take notice that you are hereby required to deliver to me, within _____ days after the date of the service of this notice upon you, a full and correct statement, as required by section thirty-five of the Income Tax Ordinance, of the names and places of abode of, and the salary or wages paid to, all the persons employed by you or the

Dated this day of 19 .

Commissioner.

N.B.—Section thirty-four of the Ordinance is as follows:—

34.—(1) The Commissioners may require any officer in the employment of the Government or any municipality or other public body to supply such particulars as may be required for the purposes of this Ordinance and which may be in the possession of such officer, provided that no such officer shall by virtue of this section be obliged to disclose any particulars as to which he is under any statutory obligation to observe secrecy.

(2) Every employer, agent, contractor, or other person when required to do so by notice from the Commissioner shall within the time limited by the notice, prepare and deliver for any year a return containing—

- (a) the names and places of residence of all persons employed by him; and
- (b) the payments and allowances made to those persons in respect of that employment, except persons who are not employed in any other employment, and whose remuneration in the employment for the year does not exceed eighty pounds.
- (c) the names and places of residence of all persons with whom he has entered into a contract for the performance of any work or for delivery of any produce or goods and the amount advanced or paid in respect of such contract either in cash or in goods or merchandise; and
- (d) such other information as the Commissioner may deem necessary from time to time for the purposes of this Ordinance;

and the provisions of this Ordinance with respect to the failure to deliver returns or particulars in accordance with a notice from the Commissioner shall apply to any such return or returns.

Provided that an employer, agent, contractor, or other person shall not be liable to any penalty for omitting from any such return the name or place of residence of any person employed by him and not employed in any other employment if it appears to the Commissioner on enquiry, that such person has no chargeable income.

(3) Where the employer, agent, contractor or other person is a body of persons the manager or other principal officer shall be deemed to be the employer for the purposes of this section, and any director of a company, or person engaged in the management of a company, shall be deemed to be a person employed.

[OVER]

DUPLICATE.
To be retained by Commissioner.

FALKLAND ISLANDS.

Form No. 4.

File No.....

INCOME TAX ASSESSMENT NOTICE.

Stanley.....19

To.....

PLEASE TAKE NOTICE that under the provisions of the Income Tax Ordinance — Ordinance No 20 of 1939 — you are assessed for the 19 taxation period in the sum of £ being the amount of tax payable on a chargeable income of £

This assessment is payable at the Colonial Treasury, Stanley, (sections 42 and 50), within thirty days after the service of this notice upon you.

If you dispute this assessment you may apply to the Commissioner by notice of objection in writing, to review and to revise the assessment made upon you. Such application shall state precisely the grounds of your objections to the assessment and shall be made within fifteen days from the date of service of this notice of assessment: provided that the Commissioner upon being satisfied that your absence from the Colony, sickness or other reasonable cause, prevented your making the application disputing the assessment within such period, shall extend the period as may be reasonable in the circumstances.

.....
Income Tax Commissioner.

Date of Payment.....

Counterfoil Receipt No.....

INSTRUCTIONS TO TAXPAYER :

B.—Both copies of this notice are to be produced when making payment.

Section 51: If any tax is not paid within the period prescribed in section fifty of this Ordinance :

(a) a sum equal to five per centum of the amount of the tax payable shall be added thereto and the provisions of this Ordinance relating to the collection and recovery of tax shall apply to the recovery of such sum :

(b) the Commissioner shall serve a demand note upon the person assessed, and if payment is not made within thirty days from the date of the service of such demand note, the Commissioner may proceed to enforce payment as hereafter provided.

FALKLAND ISLANDS.

Falkland Islands Defence (Amendment) Regulations, 1940.

H. HENNIKER HEATON,

Governor.

His Excellency the Governor, under the authority of the Emergency Powers (Defence) Act of the United Kingdom, 1939, is pleased to order, and it is hereby ordered as follows:-

1. These Regulations may be cited as the Defence (Amendment) Regulations, 1940, and shall come into operation forthwith. Citation and date of coming into operation.

2. The Defence Regulations 1939 (hereinafter referred to as "the principal Regulations") shall have effect as if there were made therein the amendments which by the following provisions of this order are directed to be made in the Regulations.

3. Regulation 17 of the principal Regulations is hereby revoked and replaced by the following Regulations:- Replacement of Reg. 17 of the principal Regulations.

Detention orders. "17. (1) If the Governor has reasonable cause to believe any person to be of hostile origin or associations or to have been recently concerned in acts prejudicial to the public safety or the defence of the realm or in the preparation or instigation of such acts and that by reason thereof it is necessary to exercise control over him, he may make an order against that person directing that he be detained.

(2) At any time after an order has been made against any person under this Regulation, the Governor may direct that the operation of the order be suspended subject to such conditions —

- (a) prohibiting or restricting the possession or use by that person of any specified articles;
- (b) imposing upon him such restrictions as may be specified in the direction in respect of his employment or business, and in respect of his association or communication with other persons;

as the Governor thinks fit; and the Governor may revoke any such direction if he is satisfied that the person against whom the order was made has failed to observe any condition so imposed, or that the operation of the order can no longer remain suspended without detriment to the public safety or the defence of the realm.

(3) For the purposes of this Regulation, there shall be one or more advisory committees consisting of persons appointed by the Governor; and any person aggrieved by the making of an order against him, by a refusal of the Governor to suspend the operation of the order, by any condition attached to a direction given by the Governor or by the revocation of any such direction, under the powers conferred by this Regulation, may make his objections to such a committee.

(4) It shall be the duty of the Governor to secure that any person against whom an order is made under this Regulation shall be afforded the earliest possible opportunity of making to the Governor representations in

writing with respect thereto and that he shall be informed of his right, whether or not such representations are made, to make his objections to such an advisory committee either in person or with the leave of the committee by counsel, solicitor, or agent.

(5) Any meeting of an advisory committee held to consider such objections as aforesaid shall be presided over by a chairman nominated by the Governor and it shall be the duty of the chairman to inform the objector of the grounds on which the order has been made against him and to furnish him with such particulars as are in the opinion of the chairman sufficient to enable him to present his case.

(6) The Governor shall report to the Secretary of State as to the action taken under this Regulation (including the number of persons detained under orders made thereunder) and as to the number of cases, if any, in which he has declined to follow the advice of any such advisory committee as aforesaid.

(7) If any person fails to comply with a condition attached to a direction given by the Governor under paragraph (2) of this Regulation that person shall, whether or not the direction is revoked in consequence of the failure, be guilty of an offence against this Regulation.

(8) Any person detained in pursuance of this Regulation shall be deemed to be in lawful custody and shall be detained in such place as may be authorised by the Governor and in accordance with instructions issued by him.

Prisoners
of war, etc.

17A. (1) No person shall –

- (a) knowingly assist a prisoner of war to escape from custody, or knowingly harbour an escaped prisoner of war; or
- (b) give an escaped prisoner of war any assistance with intent thereby to prevent, hinder or interfere with the apprehension of the prisoner.

(2) The Governor may by order provide –

- (a) for regulating access to, and the conduct of persons in, places in the Colony where prisoners of war are detained, and for prohibiting or regulating the despatch or conveyance from outside such places to or for prisoners of war therein, of any such articles as may be specified in the order;
- (b) for prescribing conditions to be observed in connection with the employment of, or the provision of board and lodging for, prisoners of war in the Colony while elsewhere than in places for the detention of prisoners of war.

(3) This Regulation shall apply in relation to any person in respect of whom there is in force an order for his detention made under this part of these Regulations or in exercise of the prerogative of the Crown as it applies in relation to a prisoner of war.

(4) No proceedings shall be taken by virtue of this Regulation, against a person in respect of any act done by him when he is himself a prisoner of war.

(5) The operation of the Prisoners of War (Escape) Act of the United Kingdom 1812, shall be suspended during the continuance in force of this Regulation."

4. Regulation 21 of the principal Regulations is hereby amended by the deletion of the words "endeavour to cause disaffection among any" in the first line and the substitution therefor of the words "endeavour to seduce from their duty".

Amendment of Reg.
21 of principal Regu-
lations.

5. After Regulation 22 (1) of the principal Regulations there shall be inserted the following :-

Amendment of Reg.
22 of the principal
Regulations.

(2) The Governor may make provision by order for preventing or restricting the publication in the Colony of matters as to which he is satisfied that the publication, or, as the case may be, the unrestricted publication, thereof would or might be prejudicial to defence or the efficient prosecution of the war, and an order under this paragraph may contain such incidental and supplementary provisions as appear to the Governor to be necessary or expedient for the purpose of the order (including provisions for securing that documents, pictorial representations, photographs or cinematograph films shall, before publication, be submitted or exhibited to such authority or person as may be specified in the order).

(3) Where any person is convicted by a superior court of an offence against this Regulation by reason of his having published a newspaper, the Governor may by order direct that, during such period as may be specified in the order, that person shall not publish any newspaper in the Colony.

(4) In this Regulation –

- (a) the expression "public opinion" includes the opinion of any section of the public;
- (b) The expression "cinematograph film" includes a sound track and any other article on which sounds have been recorded for the purpose of their being reproduced in connection with the exhibition of such a film;
- (c) The expression "publication" means, in relation to a cinematograph film, the exhibition of the film to the public, and includes the mechanical or electrical reproduction of any sounds in connection with the exhibition of the film as aforesaid; and
- (d) The expression "newspaper" includes any journal, magazine or other periodical publication.

Display of
Flags &c.

22A. The Governor may by order prohibit the display by any person in public of any flag, banner or emblem as to which the Governor is satisfied that the display thereof as aforesaid would be likely to cause a disturbance of the public order or to promote disaffection; and any such order may be made so as to apply either generally or to a specified area.

Replacement of Reg.
24 of principal Regu-
lations.

6. Regulation 24 of the principal Regulations is hereby revoked and replaced by the following Regulation:-

Sabotage.

24. (1) No person shall do any act with intent to impair the efficiency or impede the working or movement of any vessel, aircraft, vehicle, machinery, apparatus or other thing used or intended to be used in His Majesty's service or in the performance of essential services, or to impair the usefulness of any works, structure or premises used or intended to be used as aforesaid:

Provided that a person shall not be guilty of an offence against this Regulation by reason only of his taking part in, or peacefully persuading any other person to take part in a strike.

(2) The preceding provisions of this Regulation shall apply in relation to any omission on the part of a person to do anything which he is under a duty, either to the public or to any person to do, as they apply in relation to the doing of any act by a person.

(3) Any person convicted on indictment of an offence against this Regulation shall be liable to penal servitude for any term not exceeding fourteen years or to a fine not exceeding five hundred pounds or to both such penal servitude and such fine.

(4) The operation of the Dockyards &c., Protection Act of the United Kingdom, 1772, shall be suspended during the continuance in force of this Regulation.

7. After Regulation 33 of the principal Regulations there shall be inserted the following Regulations:-

Employ-
ment in
British
ships and
aircraft.

33A. (1) The competent authority, if it appears to that authority to be necessary or expedient in the interests of the defence of the realm or the efficient prosecution of the war so to do, may, as respects any class of British ships other than Dominion ships, make provision by order -

- (a) for securing that, subject to any exemptions for which provision may be made by the order, any such class of persons as may be specified in the order shall not be employed on board ships to which the order applies;
- (b) for prohibiting the employment of any persons or class of persons on board such ship unless they are holders of certificates of identity issued in such form and manner as may be prescribed by the order, and for determining the circumstances in which certificates of identity may be granted and revoked under the order;

and an order under this Regulation may be made so as to restrict the employment of persons either in any capacity or in such capacity as may be specified in the order, and so as to restrict the employment of persons on such British ships as aforesaid either wherever they may be or while in such waters, or engaged in such trades or on such voyages, as may be so specified.

(2) The preceding provisions of this Regulation shall apply in relation to aircraft as they apply in relation to ships, except that any reference in those provisions to the competent authority shall be construed as a reference to the Governor.

(3) In this Regulation and in Regulations 33 and 33B, the expression "competent authority" means an officer duly authorised by the Governor.

Employ-
ment
abroad of
agents for
ships and
aircraft.

33B. (1) The competent authority, with a view to preventing the employment abroad, in connection with the management of British ships, of enemy aliens, or persons connected with an enemy, may by order direct that, as from such date as may be specified in the order, the owner, manager or charterer of any British ship being a person resident in the Colony or a corporation incorporated under the law of the Colony, shall not employ in any foreign country or territory, in connection with the management of the ship, any person other than a person approved for the purpose by the competent authority; and an order under this Regulation may be made so as to apply either generally to employment in all foreign countries or territories or to employment in such foreign countries or territories, or such class of foreign countries or territories, as may be specified in the order.

(2) The preceding provisions of this Regulation shall apply in relation to aircraft, as they apply in relation to ships, except that any reference in those provisions to the competent authority shall be construed as a reference to the Governor.

8. After Regulation 60 of the principal Regulations there shall be inserted the following:

Amendment of Reg.
60 of principal Regu-
lations.

(2) Rules made under this Regulation shall make provision for securing:-

- (a) that no photograph of a person taken in pursuance of the powers conferred by this Regulation shall be published except for the purpose of tracing that person, and that no copy of any such photograph shall be shown to any person except a person officially authorised to see it; and
- (b) that all photographs (both negatives and copies) and all documents relating to the measurement and identification of any person taken or made in pursuance of the said powers shall, unless that person has been convicted of an offence to which this Part of these Regulations applies, be destroyed as soon as may be after the expiration of the Emergency Powers Defence Act of the United Kingdom, 1939.

9. After the word "examine" in the last line of Regulation 61 of the principal Regulations there shall be added the words "and if any person fails to furnish or produce any information or article in his possession in pursuance of a request duly made to him under this Regulation he shall be guilty of an offence against this Regulation", and after this Regulation there shall be inserted the following:-

Amendment of Reg.
61 of principal Regu-
lations.

(2) A prosecution in respect of an offence against this Regulation shall not be instituted except by, or with the consent of, the Governor.

Applying Section 10
of Ordinance No. 3 of
1900.

10. (1) Section 10 of the Interpretation and General Law Ordinance No. 3 of 1900, shall apply with respect to the revocation by this order of any provisions of any previous order as it applies to the repeal by any Ordinance passed after the commencement of that Ordinance or any other enactment.

(2) Any order, rules or appointments made, permit granted, warrant issued or directions or authority given, by virtue of any provisions of any order revoked by this order which is in force at the date of coming into operation of this order shall continue in force and have effect as if made, granted, issued or given by virtue of this order; but if or in so far as any such order, rule, appointment, permit, warrant direction or authority is inconsistent with the provisions of this order it shall be revoked as soon as may be after the coming into operation of this order.

By Command,

M. C. CRAIGIE-HALKETT.

Colonial Secretary.

29th March, 1940.

FALKLAND ISLANDS.

Falkland Islands Defence (Amendment) (No. 1) Regulations, 1940.

H. HENNIKER HEATON,
Governor.

His Excellency the Governor under the authority of the Emergency Powers (Defence) Act of the United Kingdom, 1939, is pleased to order and it is hereby ordered as follows :—

1. These Regulations may be cited as the Defence (Amendment) (No. 1) Regulations, 1940, and shall come into operation forthwith. Citation and date of coming into operation.

2. The Defence Regulations, 1939, (hereinafter referred to as the Principal Regulations) shall have effect as if there were made therein the amendments which by the following provisions of this Order are directed to be made in the Regulations.

3. After paragraph (4) of Regulation 5 of the Principal Regulations there shall be inserted the following paragraph Amendment of Regulation 5 of Principal Regulations.

“(5) Postal packets of any description whatsoever which may be in course of, or intended for transmission to, from, or through, the Colony shall bear on their outside cover the name and address of the sender.”

4. After paragraph (1) of Regulation 17 of the Principal Regulations there shall be inserted the following paragraph Amendment of Regulation 17 of Principal Regulations.

“(1A) If the Governor has reasonable cause to believe any person to have been or to be a member of or to have been or to be active in the furtherance of objects of any such organization as in hereinafter mentioned, and that it is necessary to exercise control over him, he may make an order against that person directing that he be detained.

The organizations hereinbefore referred to are any organizations in respect of which the Governor is satisfied either that

- (a) the organization is subject to foreign control or influence, or
- (b) the persons in control of the organization have or have had association with persons concerned in Governments of or in sympathy with the system of the Government of any powers with which His Majesty is at war,

and in either case that there is danger of the utilization of the organization for purposes prejudicial to public safety, the defence of the realm, the maintenance of public order, the efficiency of the prosecution of any war in which His Majesty may be engaged, or the maintenance of supplies or services essential to the life of the community”.

5. Regulation 22 (1) of the Principal Regulations is hereby amended by the deletion of the words “Attorney General” in lines 10 and 11 and the substitution therefor of the words “Legal Adviser”. Amendment of Regulation 22 of Principal Regulations.

By Command,

A. W. CARDINALL,
Colonial Secretary.

29th May, 1940.

FALKLAND ISLANDS.

Defence (Finance) (Amendment) Regulations, 1940.

H. HENNIKER HEATON,

Governor.

Under the authority of the Emergency Powers (Defence) Act, United Kingdom, 1939, the Governor is pleased to make the following regulations :-

1. These Regulations may be cited as the "Securities (Restrictions and Returns) Regulations, 1940".

2. No person being an owner of securities of the classes to which these regulations apply shall on or after the date of these regulations unless permission has previously been granted by or on behalf of the Treasury, sell transfer or do anything which involves the creation of a charge on any securities of the said classes.

3. The owners of any securities of the said classes shall before the expiration of 30 days from the date of these regulations make a return to the Treasury (on a form which may be obtained from that Department) giving the following particulars with respect to those securities, that is to say,

- (a) the full name and address of the owner by whom or on whose behalf the Return is made,
- (b) a description of the security in full,
- (c) the nominal amount of the security,
- (d) the place where the security is deposited,
- (e) the full name and address of the person for whose account the security is held (if other than the owner making the return.)

4. The classes of securities to which these regulations apply are the following, that is to say, Securities in respect of which the principal, interest or dividends, are payable in the currency of any of the following countries

Argentina
Belgium
Canada
France
Holland and the Dutch East Indies
Norway
Sweden
Switzerland
United States of America

or in respect of which the holder has an option to require the payment of principal, interest or dividends in the currency of any of those countries.

Dated this thirtieth day of May, 1940.

By Command,

A. W. CARDINALL,

Colonial Secretary.

FALKLAND ISLANDS.

Falkland Islands Defence (Amendment) (No. 2) Regulations, 1940.

H. HENNIKER HEATON,
Governor.

His Excellency the Governor under the authority of the Emergency Powers (Defence) Act of the United Kingdom, 1939, is pleased to order and it is hereby ordered as follows :—

1. These Regulations may be cited as the Defence (Amendment) (No. 2) Regulations, 1940, and shall come into operation forthwith.

2. The Defence Regulations, 1939, (hereinafter referred to as the Principal Regulations) shall have effect as if there were made therein the amendments which by the following provisions of this order are directed to be made in the Regulations.

3. After Regulation 22 of the Principal Regulations there shall be inserted the following Regulations :—

"Publishing reports
and statements.

22A. (1) Subject as hereinafter provided, any person publishing any report or statement relating to matter connected with the war which is likely to cause alarm or despondency shall be liable on summary conviction to imprisonment for a term not exceeding one month or to a fine not exceeding Fifty pounds or to both such imprisonment and such fine :

Provided that a person shall not be convicted for an offence against this Regulation if he proves —

- (a) that he had reasonable cause to believe that the report or statement was true; and
- (b) that publication thereof was not malicious and ought fairly to be excused.

(2) Nothing in this Regulation shall apply to any report or statement made by or to any servant of His Majesty or Constable in the course of his duty as such.

(3) A prosecution in respect of an offence against this Regulation shall not, be instituted by a Constable."

4. Regulation 22A of the Principal Regulations shall be renumbered 22B.

Dated this twenty-second day of July, 1940.

By Command,
A. W. CARDINALL,
Colonial Secretary.

FALKLAND ISLANDS.

Defence (Finance) (Amendment) Regulations, 1940.

H. HENNIKER HEATON,
Governor.

Under the authority of the Emergency Powers (Defence) Act, United Kingdom, 1939, the Governor is pleased to make the following regulations :-

1. These Regulations may be cited as the "Defence (Finance) Amendment Regulations, 1940".

2. Regulation 3 sub-section (1) of the Defence (Finance) Regulations, 1939, is hereby amended by the addition thereto of the following paragraph :-

- (c) Import into the Colony of the Bank of England, Scottish and Northern Ireland Bank Notes, excepting under licence of the Competent Authority (Financial Secretary).

Dated this 21st day of August, 1940.

By Command,
A. W. CARDINALL,
Colonial Secretary.

FALKLAND ISLANDS.

Falkland Islands Defence (Amendment) (No. 3) Regulations, 1940.

H. HENNIKER HEATON,

Governor.

His Excellency the Governor under the authority of the Emergency Powers (Defence) Act of the United Kingdom, 1939, is pleased to order and it is hereby ordered as follows :—

1. These Regulations may be cited as the Defence (Amendment) (No. 3) Regulations, 1940, and shall come into operation forthwith.

2. The Defence Regulations, 1939, (hereinafter referred to as the Principal Regulations) shall have effect as if there were made therein the amendments which by the following provisions of this order are directed to be made in the Regulations.

3. After Regulation 33B of the Principal Regulations there shall be inserted the following Regulation :—

"Detention of ships
under foreign flags."

"33c. (1) The Competent Authority, if it appears to that authority to be necessary or expedient so to do in the interests of public safety, the defence of the realm or the efficient prosecution of the war or for maintaining supplies and services essential to the life of the community, may give directions

"(a) as respects any class of ships or aircraft in the Colony, that no ship or aircraft of that class shall leave any port or place in the Colony at which it may be.

"(b) as respects any particular ships or aircraft at any port or place in the Colony that the ships or aircraft shall not leave that port or place, except with permission granted by such authority or person as may be specified in the directions.

"(2) If any ship or aircraft leave or attempts to leave any port or place in contravention of an order made under this Regulation the master of the ship or the pilot of the aircraft, as the case may be, shall be guilty of an offence against this Regulation.

"(3) Any person acting on behalf of His Majesty may, in relation to any ship or aircraft, take such steps and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order under this Regulation relating to the ship or aircraft, or, where an offence against this Regulation has occurred in the case of the ship or aircraft, for enabling proceedings in respect of the offence to be effectually taken."

4. For Regulation 36 of the Principal Regulations there shall be substituted the following Regulation :—

"Desertion from ships,
&c."

"36. (1) No person lawfully engaged to serve on board any ship to which this Regulation applies shall —

"(a) neglect or refuse without reasonable cause to join his ship or to proceed to sea in his ship; or

"(b) desert or be absent without leave from his ship; or

"(c) be absent without leave from his duty at any time.

"(2) Nothing in the foregoing provisions of this Regulation shall be taken to prejudice the provisions of section two hundred and twenty-one of the Merchant Shipping Act, 1894, relating to forfeiture of effects or wages for desertion or absence without leave.

"(3) Where an authorised officer has reason to believe that any person has, in the Colony, contravened the provisions of paragraph (1) of this Regulation, that person may be conveyed on board his ship by or under the direction of that officer.

"(4) For the purpose of the last foregoing paragraph the following persons shall be authorised officers, that is to say, the master of the ship, any mate of the ship, the person having the management of the ship, any constable, any commissioned officer in His Majesty's forces and any superintendent within the meaning of the Merchant Shipping Act, 1894.

"(5) In relation to ships to which this Regulation applies, the last two foregoing paragraphs shall have effect—

"(a) in the case of a British ship, in substitution for the provisions of section two hundred and twenty-one of the Merchant Shipping Act, 1894; and

"(b) in the case of a ship belonging to a subject of a foreign country to which section two-hundred and thirty-eight of that Act for the time being applies, in substitution for the provisions of subsections (2) and (3) of that section.

"(6) No person lawfully engaged to serve on board any ship to which this Regulation applies, shall join his ship, or be whilst on board his ship, in a state of drunkenness so that the performance of his duties or the navigation of the ship is thereby impeded.

"(7) The ships to which this Regulation applies are—

"(a) every ship belonging to His Majesty and every ship, whether British or foreign, chartered or requisitioned by or on behalf of His Majesty; and

"(b) every ship in respect of which there is for the time being in force a licence granted in pursuance of an order made under Regulation forty-six of these Regulations."

Dated this fourth day of October, 1940.

By Command,

A. W. CARDINALL,

Colonial Secretary.

M.P. S/7/39.

FALKLAND ISLANDS.

Securities (Restrictions and Returns) (Amendment) Regulations, 1940.

H. HENNIKER HEATON,
Governor.

Under the authority of the Emergency Powers (Defence) Act, United Kingdom, 1939, the Governor is pleased to make the following regulations:—

1. These Regulations may be cited as the Securities (Restrictions and Returns) (Amendment) Regulations, 1940.

2. Regulation No. 4 of the Securities (Restrictions and Returns) Regulations, 1940, is hereby amended by the addition thereto of the following countries:—

Belgian Congo.
Netherlands East Indies.
Netherlands West Indies.
Newfoundland.
Panama.
Philippine Islands.
Portugal.

Dated this fourth day of October, 1940.

By Command,

A. W. CARDINALL,

Colonial Secretary.

M.P. S/19/40.

FALKLAND ISLANDS.

Regulations made by the Governor in Council under
Section 3 of the Pensions Ordinance, 1937.

H. HENNIKER HEATON,
Governor.

1. These Regulations may be cited as "The Pensions Short Title.
(Amendment No. 2) Regulations, 1940."

2. Regulation No. 12 is hereby amended by the addition
thereto of the following new paragraph :

Amendment of
Regulation No. 12 of
Pensions Regulations.
1937.

"(4) If an officer proceeding by a route approved by
the Governor to or from the Colony at the commencement or
termination of his service therein, or of a period of leave there-
from, is permanently injured as the result of damage to the
vessel or vehicle in which he is travelling, or to any act of
violence directed against such vessel or vehicle, and the Gover-
nor is satisfied that such damage or act is attributable to circum-
stances arising out of war in which His Majesty may be engaged,
such officer shall be deemed for the purposes of this Regulation
to have been injured in the circumstances described in paragraph
(1) of this Regulation."

Made by the Governor in Executive Council at a meeting
held on the 16th day of November, 1940.

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

M.P. 157/40.

FALKLAND ISLANDS.

Falkland Islands Defence (Amendment) (No. 4) Regulations, 1940.

H. HENNIKER HEATON,

Governor.

His Excellency the Governor under the authority of the Emergency Powers (Defence) Act of the United Kingdom, 1939, is pleased to order and it is hereby ordered as follows:—

1. These Regulations may be cited as the Defence (Amendment) (No. 4) Regulations, 1940, and shall come into operation forthwith.

2. Sub-section (1) of Regulation 17 of the Defence Regulations, 1939, is hereby amended by the deletion of the fullstop after the word "detained" and the insertion thereafter of the words "or that he be placed on board any British ship and transported to some place "outside the Colony (provided that the authorities of such place have previously consented to "receive him)."

Dated this 25th day of October, 1940.

By Command.

A. W. CARDINALL,

Colonial Secretary.

M.P. S/7/39.



ORDINANCES
of the
COLONY
of the
FALKLAND ISLANDS
enacted during the year
1941
together with the
Rules, Regulations, etc., etc.,
made during that year.

PART I.

ORDINANCES.

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

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[L.S.]



FAULKLAND ISLANDS.

Ordinance No. 1 of 1941.

I ASSENT,
A. W. CARDINALL,
Governor.
29th November, 1941.

An Ordinance To amend the Trading with the Enemy Ordinance, 1939.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as the Trading with the Enemy (Amendment) Ordinance, 1941, and shall be read and construed as one with the Trading with the Enemy Ordinance, 1939, (hereinafter referred to as the Principal Ordinance).

2. Paragraph (ii) to the proviso to sub-section (2) of Section 2 of the Principal Ordinance shall be amended by the deletion of the words "had been performed before the commencement of the war by reason of which the person from whom the payment was received became an enemy" and the substitution therefor of the words "had already been performed when the payment was received, and had been performed at a time when the person from whom the payment was received was not an enemy".

3. The proviso to sub-section (3) of Section 5 of the Principal Ordinance shall be amended by the deletion of the words "a Court of a State at war with His Majesty" and the substitution therefor of the words "a Court having jurisdiction in enemy territory".

Passed by the Legislative Council this 26th day of November, 1941.

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

Assented to by the Governor and given under the Public Seal of the Colony this 29th day of November, 1941.

A. I. FLEURET,
for Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 2 of 1941.

I ASSENT,
A. W. CARDINALL,
Governor.

29th November, 1941.

An Ordinance

To amend the Trespass Ordinance, 1904.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows:—

Enacting Clause.

1. This Ordinance may be cited as the "Trespass (Amendment) Ordinance, 1941, and shall be read and construed as one with the Trespass Ordinance, 1904, hereinafter referred to as the Principal Ordinance.

Short Title.

2. Section 12 of the Principal Ordinance is hereby amended by the insertion of the words "on or" after the word "gate".

Amendment of Section 12 of Ordinance No. 5 of 1904.

3. The Schedule to the Principal Ordinance is hereby repealed and replaced by the Schedule hereto annexed.

Repeal of Schedule to Ordinance, No. 5 of 1904.

Passed by the Legislative Council this 26th day of November, 1941.

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

Assented to by the Governor and given under the Public Seal of the Colony this 29th day of November, 1941.

A. I. FLEURET,
for Colonial Secretary.

Commonage in respect of.	For any period not exceeding one month.		For one year.
	
Any horse, mule or cow	...	1/6	10/- (payable half-yearly.)
Any heifer between one and two years old		—	5/-
Any horse, for the season 1st October to 30th April	5/-	—	—
Any calf or foal not exceeding one year old		—	Free.

FALKLAND ISLANDS :

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

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 3 of 1941.

I ASSENT,

A. W. CARDINALL,

Governor.

29th November, 1941.

An Ordinance

To amend the Income Tax Ordinance, 1939, as amended by the Income Tax (Amendment, No. 2) Ordinance, 1940.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows :—

Enacting Clause.

1. This Ordinance may be cited as the Income Tax (Amendment) Ordinance, 1941, and shall be read and construed as one with the Income Tax Ordinance, 1939.

Short Title.

2. Sub-section (f) of Section 18 of the Principal Ordinance is hereby amended by the insertion therein of the words "His Majesty's Dominions or in territory under" after the words "but in a part of".

Amendment of Section 18 of Ordinance, No. 20 of 1939.

Passed by the Legislative Council this 26th day of November, 1941.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 29th day of November, 1941.

A. I. FLEURET,

for Colonial Secretary.

FALKLAND ISLANDS :

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

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 4 of 1941.

I ASSENT,

A. W. CARDINALL.

Governor.

29th November, 1941.

An Ordinance

To amend the Pensions Ordinance, 1937.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows:—

Enacting Clause.

1. This Ordinance may be cited as the Pensions (Amendment) Ordinance, 1941, and shall be read and construed as one with the Pensions Ordinance, 1937, hereinafter referred to as the Principal Ordinance.

Short Title.

2. Section 19 (1) of the Principal Ordinance is hereby amended by the deletion of the figures "16" in line ten and the substitution therefor of the figures "18".

Amendment of Section 19 (1) of Ordinance, No. 5 of 1937.

Passed by the Legislative Council this 26th day of November, 1941.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 29th day of November, 1941.

A. I. FLEURET,

for Colonial Secretary.

FALKLAND ISLANDS :

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

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 5 of 1941.

I ASSENT,

A. W. CARDINALL,

Governor.

29th November, 1941.

An Ordinance

To legalise certain payments made in the year One thousand Nine hundred and Forty in excess of the Expenditure sanctioned by Ordinance No. 14 of 1939.

WHEREAS it is expedient to make further provision for the service of the Colony for the year 1940.

Preamble.

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

Enacting Clause.

1. This Ordinance may be cited for all purposes as the Supplementary Appropriation (1940) Ordinance, 1941.

Short Title.

2. The sums of money set forth in the Schedule hereto having been expended for the services therein mentioned beyond the amounts granted for those services by the Ordinance providing for the service of the year One Thousand nine hundred and forty, the same are hereby declared to have been duly laid out and expended for the service of the Colony in that year, and are hereby approved, allowed and granted in addition to the sums mentioned for those services in the said Ordinance.

Appropriation of excess of expenditure for the year 1940.

Passed by the Legislative Council this 26th day of November, 1941.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 29th day of November, 1941.

A. I. FLEURET,

for Colonial Secretary.

SCHEDULE.

Number.	Head of Service.	Amount.		
		£	s.	d.
FALKLAND ISLANDS.				
I.	Pensions	169	0	4
II.	The Governor	81	14	5
IV.	Treasury & Customs	422	15	5
V.	Audit	1	0	0
VI.	Post Office	92	19	10
VII.	Electrical and Telegraphs	1475	17	11
VIII.	Harbour	16	7	4
XI.	Medical	725	18	9
XIV.	Naturalist	15	6	7
XV.	Military	3991	1	1
XVII.	Miscellaneous	3520	15	1
XIX.	Public Works Recurrent	965	19	8
Total Ordinary Expenditure		£ 11478	16	5

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 6 of 1941.

I ASSENT,
A. W. CARDINALL,
Governor.

29th November, 1941.

An Ordinance

To amend the Electricity Supply Ordinance 1939.

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

1. This Ordinance may be cited as the Electricity Supply (Amendment) Ordinance, 1941, and shall be read and construed as one with the Electricity Supply Ordinance, 1939, (hereinafter referred to as the Principal Ordinance.)

2. Section 3 of the Principal Ordinance is hereby amended by the addition thereto of the following sub-section:—
“(f) the protection of life and property and the “general safety of the public”.

3. Section 4 of the Principal Ordinance is hereby amended by the addition thereto of the following sub-sections:—
“Supervisor to do as little damage as possible. (6) In the exercise of the foregoing powers the Supervisor shall do as little damage as possible; and, where the surface of a road or street has been disturbed he shall as far as practicable restore it to its former condition.”

"Compensation. (7) Every person having any estate or interest in land taken by the Government for the purposes of any works, or injuriously affected by the exercise of the said powers or suffering any damage therefrom, shall be entitled to compensation, to be settled, awarded, and paid in accordance (as nearly as may be) with the provisions relating to compensation which are contained in the Public Lands Ordinance, No. 1 of 1902."

Passed by the Legislative Council this 26th day of November, 1941.

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

Assented to by the Governor and given under the Public Seal of the Colony this 29th day of November, 1941.

A. I. FLEURET,
for Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 7 of 1941.

I ASSENT,

A. W. CARDINALL,
Governor.

29th November, 1941.

An Ordinance

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

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

Enacting Clause.

1. Notwithstanding any provisions to the contrary contained in the Tariff Ordinance, 1900, as amended by the Tariff (Export Duties) Amendment Ordinances, 1923 and 1924, the duty of Customs to be raised, levied and collected upon whale oil and upon seal oil which shall be raised in the Colony or in the Dependencies thereof during the 1941-42 whaling season and during the 1942 sealing season shall be fixed at the rate of one shilling and sixpence for each barrel of forty gallons.

Rate of duty on export of Whale and Seal Oil during the 1941-42 whaling season and 1942 sealing season.

2. This Ordinance may be cited as the Tariff (Export Duties) Amendment Ordinance, 1941" and shall be read and construed as one with the Tariff (Export Duties) Amendment Ordinances, 1923 and 1924.

Short Title.

Passed by the Legislative Council this 26th day of November, 1941.

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

Assented to by the Governor and given under the Public Seal of the Colony this 29th day of November, 1941.

A. I. FLEURET,
for Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 8 of 1941.

I ASSENT,

A. W. CARDINALL,

Governor.

29th November, 1941.

An Ordinance

To provide for the service of the year 1942.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows :—

Enacting Clause.

1. This Ordinance may be cited for all purposes as "the Appropriation (1942) Ordinance, 1941".

Short Title.

2. The Governor may cause to be issued out of the Public Revenue and other funds of the Colony and applied to the service of the year ending the 31st December, 1942, a sum not exceeding Ninety-eight thousand Six hundred and Thirteen pounds, which sum is granted and shall be appropriated for the purposes and to defray the charges of the several services expressed and particularly mentioned in the Schedule hereto which will come in course of payment during the year 1942.

Appropriation of £98,613 for service of year 1942.

Passed by the Legislative Council this 26th day of November, 1941.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 29th day of November, 1941.

A. I. FLEURET,

for Colonial Secretary.

SCHEDULE.

Number.	Head of Service.	Amount.		
		£	s.	d.
FALKLAND ISLANDS.				
I.	Pensions	3500	0	0
II.	The Governor	2466	0	0
III.	Colonial Secretary	2865	0	0
IV.	Treasury and Customs	1471	0	0
V.	Audit	8	0	0
VI.	Post Office	5235	0	0
VII.	Electrical and Telegraphs	4804	0	0
VIII.	Harbour	1213	0	0
IX.	Legal	935	0	0
X.	Police and Prisons	994	0	0
XI.	Medical	6309	0	0
XII.	Education	3365	0	0
XIII.	Ecclesiastical	289	0	0
XIV.	Naturalist	567	0	0
XV.	Military	868	0	0
XVI.	Agriculture	6781	0	0
XVII.	Miscellaneous	4902	0	0
XVIII.	Public Works	3260	0	0
XIX.	Public Works Recurrent	7850	0	0
Total Ordinary Expenditure		£ 57682	0	0
XX.	Public Works Extraordinary	263	0	0
XXI.	Military War Expenditure	19875	0	0
XXII.	Land Sales Fund	1381	0	0
Total Expenditure chargeable to Revenue		£ 79201	0	0
DEPENDENCIES.				
I.	Ordinary Expenditure	13412	0	0
	Military War Expenditure	6000	0	0
Total		£ 98613	0	0

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 9 of 1941.

I ASSENT,
A. W. CARDINALL,
Governor.

8th December, 1941.

An Ordinance.

To amend The Defence Force Ordinance, 1920.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows :—

1. This Ordinance may be cited as the Defence Force (Amendment) Ordinance 1941, and shall be read and construed as one with the Defence Force Ordinance 1920, (hereinafter referred to as the Principal Ordinance.)

2. Section 19 of the Principal Ordinance is hereby amended by the substitution of a colon for the fullstop at the end of the section and the addition of the following proviso :

Provided that when a state of War or emergency exists, the Governor in Council may increase the age limit to fifty-one years and any person thereupon becoming liable, if resident in Stanley shall forthwith furnish his full name, the date of his birth and nationality to the Officer Commanding and if resident in any Camp to the Manager of that Camp. The Manager shall thereupon communicate such particulars to the Officer Commanding.

Passed by the Legislative Council this 8th day of December, 1941.

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

Assented to by the Governor and given under the Public Seal of the Colony this 8th day of December, 1941.

A. I. FLEURET.
for Colonial Secretary.

PART II.

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FALKLAND ISLANDS.

No. 1.

Proclamation.

1941.

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

A. W. CARDINALL.

By His Excellency ALLAN WOLSEY CARDINALL, Companion of the Most Distinguished Order of Saint Michael and Saint George, Acting Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.

[L.S.]

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

AND WHEREAS His Excellency SIR HERBERT HENNIKER HEATON, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, has this day left the Colony on leave of absence;

AND WHEREAS there is no such officer as Lieutenant Governor in this Colony and no person has been appointed under the Royal Sign Manual and Signet to administer the Government of this Colony in the absence of the Governor;

NOW, THEREFORE, I, ALLAN WOLSEY CARDINALL, Companion of the Most Distinguished Order of Saint Michael and Saint George, Colonial Secretary of the Falkland Islands, the Senior Member of the Executive Council aforesaid, do hereby proclaim and make known that, in pursuance of the said clause of the said Royal Letters Patent and having taken the oaths prescribed by law, I have this day assumed the Administration of the Government of this Colony and its Dependencies.

GOD SAVE THE KING.

Given at Government House, Stanley, this 28th day of January, in the year of Our Lord, One thousand Nine hundred and Forty-one.

By His Excellency's Command,

A. I. FLEURET,

for Colonial Secretary.

M.P. P/231.

FALKLAND ISLANDS.

No. 2.

Proclamation

1941.

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

A. W. CARDINAL L.

[L.S.]

By His Excellency ALLAN WOLSEY CARDINAL, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Acting Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies &c., &c., &c.

WHEREAS by certain Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the 25th day of February, 1892, constituting the office of Governor and Commander-in-Chief in and over the Colony of the Falkland Islands, it was amongst other things declared that there should be an Executive Council in and for the said Colony which should consist of such persons as should be directed under the Royal Sign Manual and Signet,

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

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

JAMES GORDON GIBBS, Esq., M.Agr., Sc. Ph.D. (Minn.), Dip. Agr., (Linc., N.Z.)

to be a member of the Executive Council for a period of one year with effect from the 28th of January, 1941.

GOD SAVE THE KING.

Given at Government House, Stanley, this 28th day of January, in the Year of Our Lord One thousand Nine hundred and Forty-one.

By His Excellency's Command,

A. I. FLEURET,

for Colonial Secretary.

M.P. P/235.

FALKLAND ISLANDS.

No. 3.

Proclamation

1941.

Restriction on importation of semi-manufactured Iron and Steel products.

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

A. W. CARDINALL.

[L.S.]

*By His Excellency ALLAN WOLSEY CARDINALL,
ESQUIRE, Companion of the Most Distinguished
Order of Saint Michael and Saint George,
Governor and Commander-in-Chief in and
over the Colony of the Falkland Islands and
its Dependencies &c., &c., &c.*

In virtue of the powers in me vested by Section 2 of the Exports and Imports (Emergency Powers) Ordinance, 1939, I, ALLAN WOLSEY CARDINALL, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, do hereby proclaim and order and it is hereby proclaimed and ordered that the importation into the Colony of the Falkland Islands from both sterling and non-sterling areas, of the semi-manufactured steel and iron products classified in the Schedule hereto is restricted by the conditions and limitations as defined herein :

- (a) All products referred to in the Schedule will be subject to the granting of Import Licences.
- (b) No Import Licence will be granted except for material vitally and urgently required for purposes essential to the War effort. The expression "essential to the War effort" may be interpreted to cover besides service and defence requirements, minimum *pro rata* for the maintenance of essential public services and communications, and the maintenance of production and trade of value to the War effort or necessary for the subsistence of the population.
- (c) All orders should as a rule be placed through normal trade channels in the United Kingdom with instructions to apply for the necessary Supply and Export Licences to the Iron and Steel Control through the Colonial Office, London, quoting the number of the Import Licence which has been granted. If the application is approved it will then be decided whether the order should be placed in the United Kingdom or elsewhere.
- (d) In every application the precise purpose for which the material will actually be used must be stated in detail and no general purpose will be accepted as sufficient evidence of the need for importation.
- (e) Import Licences will be issued by the Competent Authority.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this sixth day of March, in the Year of Our Lord One thousand Nine hundred and forty-one.

By Command,

A. I. FLEURET,

for Colonial Secretary.

SCHEDULE.

Detailed classification of semi-manufactured Iron and Steel Products of which the importation into the Colony of the Falkland Islands is restricted.

Ingots, billets, blooms, and slabs (excluding shell steel).

Plates, medium plates, angles, channels, tees, joists, piling sections, other sectional materials, rounds, rods, squares, hexagons, flats, other sections and shapes (and whether black or bright) : rails, sleepers, fish-plates, Sole-plates.

Sheets coated and uncoated less than two millimetres, (including galvanised leads coated R.P.M. and cellactite sheets.)

Tin plates (including tinned sheets) terne plates (including terne sheets) black sheets (including silver finished sheets.)

Steel tubes and pipes (including imported hollows).

Hoops, strips (and whether coated or uncoated and whether hot or cold rolled).

Tyres, axles, wheels.

Steel castings, forgings, stamps.

Colliery arches and accessories therefor, pit props.

Steel bolts, nuts, screws, studs, washers, and screws.

Railway springs (and whether laminate or coils).

Buffers.

Wire rods, coated or uncoated wire (whether plain or barked) wire rope, wire strands, wire netting, wire chain link fencing, wire mesh, wire nails, (excluding boot and and shoe grinders) wire staples, (excluding machine staples).

Constructional steel whether fabricated or not for inclusion in the structures of a building.

Pig and foundry iron, iron castings and wrought iron.

FALKLAND ISLANDS.

No. 4.

Proclamation.

1941.

Prohibition of exportation of certain valuables from the Colony.

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

A. W. CARDINALL.

By His Excellency ALLAN WOLSEY CARDINALL, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.

[L.S.]

In virtue of the powers in me vested by Section 2 of the Exports and Imports (Emergency Powers) Ordinance, 1939, I, ALLAN WOLSEY CARDINALL, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, do hereby proclaim and order and it is hereby proclaimed and ordered that the exportation from the Colony of the Falkland Islands and its Dependencies

- (i) to all destinations outside sterling area countries, of Furskins and goods manufactured from furskins; antiques; Works of Arts; Diamonds of all kinds whether or not mounted, in setting or strung and articles mounted or set with diamonds; precious or semi-precious stones; Jewellery; Gold and Platinum; Watches with cases of precious metal; and Postage Stamps.
- (ii) to sterling area countries, of Diamonds of all kinds whether or not mounted in, setting or strung and articles mounted or set with Diamonds,

is prohibited.

Provided always that this Order shall not apply to exports expressly permitted by licence from the Competent Authority.

Proclamation No. 6 of 1940, made on the 1st day of October, 1940, prohibiting the exportation of certain valuables from the Colony is hereby rescinded.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 15th day of May, in the Year of Our Lord One thousand Nine hundred and forty-one.

By Command.

A. I. FLEURET,

for Colonial Secretary.

M.P. S/43A/39.

FALKLAND ISLANDS.

No. 5.

Proclamation.

1941.

Restriction on Importation of Goods.

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

A. W. CARDINALL.

[L.S.]

By His Excellency ALLAN WOLSEY CARDINALL, Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.

In virtue of the powers in me vested by Section 2 of the Exports and Imports (Emergency Powers) Ordinance, 1939, I, ALLAN WOLSEY CARDINALL, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, do hereby proclaim and order and it is hereby proclaimed and ordered that the following rules regarding the importation of all goods without exception come into force forthwith:—

1. No article whatsoever may be imported without an import licence.

This regulation applies to all articles brought into the Falkland Islands including those through the mail, in Passengers' luggage or in the personal effects of crews.

2. All general import licences for goods from non-sterling areas are cancelled.
3. No general import licence will be granted for goods from sterling sources excepting with the prior approval of the Secretary of State for the Colonies and no recommendations therefor will be forwarded save in exceptional circumstances.
4. Only in cases of extreme urgency will an import licence be granted for an article from a non-sterling area when that article or a similar article is obtainable from a sterling area.

N.B. Articles which are clearly proved to have been ordered before these rules were published will be permitted entry.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 9th day of June, in the Year of Our Lord One thousand Nine hundred and forty-one.

By His Excellency's Command.

A. I. FLEURET,

for Colonial Secretary.

Importation of Essential and Non-essential Goods.

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

A. W. CARDINALL.

[L.S.]

By His Excellency ALLAN WOLSEY CARDINALL, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies &c., &c., &c.

In virtue of the powers in me vested by Section 2 of the Exports and Imports (Emergency Powers) Ordinance, 1939, I, ALLAN WOLSEY CARDINALL, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, do hereby proclaim and order and it is hereby proclaimed and ordered as follows:

- (1) That the importation into the Colony from South America, of the goods classified in Schedule 1 hereto is permitted up to the value of a limited amount in sterling which has been fixed by the Secretary of State for the Colonies; and subject to the granting of an import Licence as required by Proclamation No. 5 of 1941;
- (2) That the importation into the Colony from both sterling and non-sterling areas of the goods classified in Schedule 2 hereto is prohibited;
- (3) That the list of articles in Schedule 2 may be modified, amended, added to or otherwise altered from time to time;
- (4) That nothing in the above order will affect the entry into the Colony of articles specifically ordered prior to this Proclamation but in the case of standing orders or renewals, this Proclamation will have effect thereon;
- (5) That unsolicited gifts of articles whether in Schedule 1 or Schedule 2 will be granted entry on proof of their non-solicitation by the addressee at the discretion of the Competent Authority;
- (6) That goods imported or attempted to be imported in contravention of this Proclamation shall be re-exported at the expense of the consignee by the vessel importing the same.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this nineteenth day of June, in the Year of Our Lord One thousand Nine hundred and forty-one.

By His Excellency's Command,

A. I. FLEURET,

for Colonial Secretary.

SCHEDULE 1.

ARTICLES, THE IMPORTATION OF WHICH IS PERMITTED FROM SOUTH AMERICA.

CLASS I.

- | | | | |
|---|-------------|---------------------------|-----------------|
| 1. Butter, fresh; | 2. Bacon; | 3. Beans, brown or white; | 4. Cheese; |
| 5. Coffee; | 6. Cocoa; | 7. Flour; | 8. Jams, etc.,; |
| 10. Milk, sweetened, unsweetened or evaporated; | 11. Onions; | 12. Potatoes; | |
| 13. Rice; | 14. Sugar; | 15. Tea; | 16. Maize; |
| | | 17. Pollard; | 18. Oats. |

SCHEDULE 2.

ARTICLES, THE IMPORTATION OF WHICH IS TOTALLY PROHIBITED.

CLASS I. FOODSTUFFS.

- | | | |
|---|--|---|
| 1. Almonds, dried, salted, sweet; | 2. Anchovies; | 3. Barley, in tins or packets; |
| 4. Barley Water, crystals and bottles; | 5. Biscuits, excluding Cabin, Cheese, Milk, Marie, Oaten, Petit-Bearre, Rusks and Water; | 6. Blanc-mange powders; |
| 7. Bombay Ducks; | 8. Breakfast Cereals, excluding Porridge and Quaker Oats; | 9. Confectionery, plain or fancy of all kinds - i.e. cakes, chocolates, luncheon or bar chocolate, sweetmeats, bonbons, surprise packets and Christmas stockings; |
| 10. Cake Mixture; | 11. Candied Peel; | 12. Capers; |
| 13. Caviare; | 14. Chocolate; | 15. Chocolate, mould in packets; |
| 16. Chocolate Powder; | 17. Chutney; | 18. Cochineal; |
| 19. Cocktail Specialities - e.g. Maraschino Cherries etc.,; | 20. Cocoa compounds - e.g. Bournvita, Ovaltine etc.,; | 21. Coconut and coconut products; |
| 22. Coffee essence, extract and other compounds; | 23. Colourings, as used in cooking; | 24. Custard Powder; |
| 25. Dog Biscuits; | 26. Drinking Straws; | 27. Entrees in tins; |
| 28. Egg Powder; | 29. Essences for flavouring, excluding mineral water essences; | 30. Fish in tins, excluding salmon and sardines; |
| 31. Foie gras, pate de; | 32. Fruits, bottled, in brandy, crystallized or glace; | 33. Fruit Juices and Syrups; |
| 34. Game & Poultry in tins, glasses, extracts, essences and lozenges; | 35. Ginger, Dried and in syrup; | 36. Ginger Beer; |
| 37. Herbs; | 38. Honey; | 39. Hors d'Oeuvres; |
| 40. Jellies, in tins or bottles, aspic, table, in packets and crystals; | 41. Lemon Curd; | 42. Lemon Juice; |
| 43. Lemon Squash; | 44. Lemonade crystals; | 45. Lime Juice Cordial; |
| 46. Mayonnaise; | 47. Meat in tins and glasses; | 48. Meat extracts, essences and lozenges; |
| 49. Mince Meat; | 50. Olives; | 51. Pickles; |
| 52. Pies in tins and other containers; | 53. Pimentos (capsicum var); | 54. Plum Puddings; |
| 55. Potted Meats and Potted Fish; | 56. Salad Dressings; | 57. Sausages; |
| 58. Semolina & Sago; | 59. Soups, Tinned; | 60. Spaghetti, Macaroni, Vermicelli and similar preparations; |
| 61. Sparklets & Sparkloids; | 62. Spices; | 63. Sponge Mixture; |
| 64. Suet; | 65. Truffles; | 66. Vegetables in tins and Bottles; |
| 67. Vinegar in bottles. | | |

CLASS II. ALES, SPIRITS, WINES, ETC.

- | | | | |
|----------------------------------|--------------|---|-----------|
| 1. Perfumed spirits, bay rum &c; | 2. Liqueurs; | 3. Wines, excluding Sacramental Wine especially ordered for the Churches and not for private consumption; | 4. Cider. |
|----------------------------------|--------------|---|-----------|

CLASS III. TOBACCO, ETC.

- | | | |
|---------------------------|-----------|-----------------|
| 1. Cigars and Cigarillos; | 2. Snuff; | 3. Chewing gum. |
|---------------------------|-----------|-----------------|

CLASS IV. FIBRES, YARNS, TEXTILES, ETC.

- | | | | |
|--|---|---|---|
| 1. Furskins and manufactured articles thereof; | 2. Silk hose, artificial silk hose and other silk or artificial silk underwear or haberdashery; | 3. Laces, lace-curtaining and flouncing and embroidery in the piece; | 4. Silk or artificial silk piece goods or apparel; |
| 5. Padded quilts; | 6. Shawls; | 7. Linen, piece goods and apparel, handkerchiefs, bed and table articles; | 8. Carpets, mats, linoleum and other similar floor coverings. |

CLASS V. METALS, METAL MANUFACTURES, AND MACHINERY.

- | | | | | |
|---|-----------------------------|--|--------------------------|-----------------|
| 1. Cash registers and calculating machines; | 2. Filing cabinets (steel); | 3. Firearms, including air-guns and air pistols; | 4. Gold and silver leaf; | 5. Quicksilver; |
| 6. Typewriters. | | | | |

CLASS VI. MINERALS, EARTHENWARE AND GLASSWARE.

- | | | |
|----------------|--|-------------------|
| 1. Bricks; | 2. Diamonds and other gems or precious stones; | 3. Glass mirrors; |
| 4. Tombstones. | | |

CLASS VII. OILS, WAXES, ETC.

- | | | | | |
|--|--|-------------|---|----------------|
| 1. Perfumed oils, including hair-oils; | 2. Cosmetics, excepting cold creams and dusting powder, but including face powder; | 3. Candles; | 4. Soaps, toilet, scented, i.e. of the more expensive type costing 9d. and over a tablet; | 5. Bath Salts. |
|--|--|-------------|---|----------------|

CLASS VIII. DRUGS, CHEMICALS, ETC.

- | |
|----------|
| 1. Dyes. |
|----------|

CLASS IX. LEATHER, RUBBER, AND MANUFACTURES THEREOF.

1. Dress, evening or fancy shoes;
2. Leather portmanteaux, cases, bags, etc.

CLASS X. WOOD, CANE, AND WICKER AND MANUFACTURES THEREOF.

1. Furniture.

CLASS XI. BOOKS, PAPER AND STATIONERY.

1. Engravings, photographs, lithographs;
2. Paintings, etchings, and pictures;
3. Enlargements or reproductions of photographs; picture post cards; Christmas, Birthday, pictorial, New Year, visiting and other similar cards.

CLASS XII. JEWELLERY, FANCY GOODS, ETC.

1. Musical instruments and stands;
2. Beads;
3. Electro-plated articles excepting knives of all kinds, spoons and forks;
4. Presentation Cups and trophies;
5. Gold and silver plate;
6. Jewellery and imitation jewellery of all kinds;
7. Tobacconist's wares, excluding pipes and tobacco pouches;
8. Petrol lighters;
9. Umbrellas.

CLASS XIII. MISCELLANEOUS.

1. Fireworks, including Christmas crackers;
2. Models, not being toys;
3. Cameras;
4. Dice;
5. Binoculars;
6. All glass-ware excepting drinking glasses, jugs, lamp-chimneys, window-glass;
7. Earthenware, porcelain and china, excepting table-ware and sanitary requirements.

CLASS XIV. VEHICLES, ETC.

1. Motor-cars;
2. Motor-trucks;
3. Motor-bicycles;
4. Bicycles;
5. Spare parts for the above excepting spares required for the above articles when already in the Colony and registered for essential public services.

FALKLAND ISLANDS.

No. 7. **Proclamation** 1941.

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

A. W. CARDINAL L.

[L.S.]

*By His Excellency ALLAN WOLSEY CARDINAL L.,
ESQUIRE, Companion of the Most Distinguished
Order of Saint Michael and Saint George,
Governor and Commander-in-Chief in and
over the Colony of the Falkland Islands and
its Dependencies &c., &c., &c.*

Under the power and authority in me vested by Section 64 of Ordinance, No. 6 of 1903, I do hereby declare and it is hereby declared that in Proclamation, No. 7 of 1939, "exportation" covers re-export and transhipment (including transhipment on through Bills of Lading).

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 28th day of August, in the Year of Our Lord One thousand Nine hundred and forty-one.

By His Excellency's Command,

A. I. FLEURET,

for Colonial Secretary.

FALKLAND ISLANDS.

No. 8.

Proclamation.

1941.

Declaration of War.

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

A. W. CARDINALL.

[L.S.]

*By His Excellency ALLAN WOLSEY CARDINALL,
ESQUIRE, Companion of the Most Distinguished
Order of Saint Michael and Saint George,
Governor and Commander-in-Chief in and
over the Colony of the Falkland Islands and
its Dependencies and Vice Admiral thereof.*

I, ALLAN WOLSEY CARDINALL, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief and Vice Admiral of the Colony of the Falkland Islands and its Dependencies, do hereby proclaim that as from 0001 hours G.M.T. on the 7th of December, 1941, a state of war exists between His Majesty the King and Finland, Hungary and Roumania.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 7th day of December, in the Year of Our Lord One thousand Nine hundred and forty-one.

By His Excellency's Command.

A. I. FLEURET,

for Colonial Secretary.

FALKLAND ISLANDS.

No. 9.

Proclamation.

1941.

Declaration of War.

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

A. W. CARDINALL.

[L.S.]

*By His Excellency ALLAN WOLSEY CARDINALL,
ESQUIRE, Companion of the Most Distinguished
Order of Saint Michael and Saint George,
Governor and Commander-in-Chief in and
over the Colony of the Falkland Islands and
its Dependencies and Vice Admiral thereof.*

I, ALLAN WOLSEY CARDINALL, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief and Vice Admiral of the Colony of the Falkland Islands and its Dependencies, do hereby proclaim that a state of war exists between His Majesty the King and Japan as from today.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 8th day of December, in the Year of Our Lord One thousand Nine hundred and forty-one.

By His Excellency's Command.

A. I. FLEURET,
for Colonial Secretary.

FALKLAND ISLANDS.

No. 10.

Proclamation.

1941.

To bring into force Compulsory Service in the Falkland Islands Defence Force.

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

A. W. CARDINALL.

[L.S.]

By His Excellency ALLAN WOLSEY CARDINALL, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.

WHEREAS a state of War exists between His Majesty the King and Germany, Japan, Italy, Finland, Hungary, and Roumania, rendering it necessary that any invasion of or attack on the Colony under my Government by the forces of the said countries shall be repelled;

AND WHEREAS it is provided under Section 19 of Ordinance No. 7 of 1920, as amended by Ordinance No. 9 of 1941, that every British subject over the age of eighteen and under the age of fifty-one years resident in the Colony, not being exempt under Section 22 of the Ordinance, shall be liable to serve in the Defence Force;

AND WHEREAS it is provided further under Section 20 of the said Ordinance that in the event of the Defence Force being called out for active service and the Governor considering it expedient that the numerical strength of the Force should be increased, the Governor may by proclamation call upon and require any or all such person or persons, not being members of the Force, to join and serve with the Force so called out;

AND WHEREAS I consider it expedient that the numerical strength of the Force should be increased;

NOW, THEREFORE I, ALLAN WOLSEY CARDINALL, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies do hereby call upon and require all such persons resident in Stanley and affected by the Proviso to Section 19 of Ordinance No. 7 of 1920 as amended by Ordinance No. 9 of 1941, to assemble at the Falkland Islands Defence Force Headquarters at the hour of 6 p.m. on Tuesday, 9th December, 1941, for the purpose of performing such service as may by me be directed.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 8th day of December, in the year of Our Lord One thousand Nine hundred and forty-one.

By Command,

A. I. FLEURET,

for Colonial Secretary.

FALKLAND ISLANDS.

No. 11.

Proclamation

1941.

Ordering general mobilisation of the Falkland Islands Defence Force.

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

A. W. CARDINALL.

[L.S.]

*By His Excellency ALLAN WOLSEY CARDINALL,
ESQUIRE, Companion of the Most Distinguished
Order of Saint Michael and Saint George,
Governor and Commander-in-Chief in and
over the Colony of the Falkland Islands and
its Dependencies and Vice Admiral thereof.*

WHEREAS a state of War exists between His Majesty the King and Germany, Japan, Italy, Finland, Hungary and Roumania, and whereas it is necessary that any invasion of or attack on the Colony under my Government by the forces of the said countries shall be repelled; I, ALLAN WOLSEY CARDINALL, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies do hereby under the powers conferred on me by Section 15 of the Falkland Islands Defence Force Ordinance, No. 7 of 1920, order and proclaim general mobilisation of every Officer and Member of the Force as from 6 p.m. on Wednesday the 10th of December, 1941, for the purpose of performing such service as may by me be directed, and I do further hereby command employers to release any persons who may be required under this Proclamation.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 10th day of December, in the Year of Our Lord One thousand Nine hundred and forty-one.

By His Excellency's Command,

A. I. FLEURET,

for Colonial Secretary.

FALKLAND ISLANDS.

No. 12.

Proclamation.

1941.

Institution of Prize Court.

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

A. W. CARDINALL.

[L.S.]

*By His Excellency ALLAN WOLSEY CARDINALL,
ESQUIRE, Companion of the Most Distinguished
Order of Saint Michael and Saint George,
Governor and Commander-in-Chief in and
over the Colony of the Falkland Islands and
its Dependencies and Vice Admiral thereof.*

I, ALLAN WOLSEY CARDINALL, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief and Vice Admiral of the Colony of the Falkland Islands and its Dependencies, do hereby proclaim that a state of war exists between His Majesty the King and Finland, Hungary, Roumania and Japan, and do hereby notify, declare and make known that the Supreme Court of the Falkland Islands is a Prize Court to take cognizance of and judicially to proceed upon all and all manner of Captures, Recaptures, Seizures, Prizes and reprisals of all Ships, Vessels and Goods seized and taken which are or shall be brought within the limits of the said Court.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 15th day of December, in the Year of Our Lord One thousand Nine hundred and forty-one.

By His Excellency's Command.

A. I. FLEURET,
for Colonial Secretary.

FALKLAND ISLANDS.

No. 13.

Proclamation

1941.

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

A. W. CARDINALL. *By His Excellency ALLAN WOLSEY CARDINALL, Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.*

[L.S.]

WHEREAS by certain Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the 25th day of February, 1892, constituting the office of Governor and Commander-in-Chief in and over the Colony of the Falkland Islands, it was amongst other things declared that there should be an Executive Council in and for the said Colony which should consist of such persons as should be directed under the Royal Sign Manual and Signet.

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

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

BERNARD AUSTIN CATHIE, ESQUIRE,

to be a member of the Executive Council for a period of three years with effect from the 8th of December, 1941.

GOD SAVE THE KING.

Given at Government House, Stanley, this 12th day of December, in the Year of Our Lord One thousand Nine hundred and Forty-one.

By His Excellency's Command,

A. I. FLEURET,

for Colonial Secretary.

FALKLAND ISLANDS.

The Trading with the Enemy (Specified Persons) Order, 1941.

H. HENNIKER HEATON,
Governor.

In pursuance of the powers vested in him by Section 3 (2) of the Trading with the Enemy Ordinance, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows:—

1. Each of the persons specified in the Schedule to the United Kingdom Trading with the Enemy (Specified Persons) (Amendment) (No. 9) Order, 1940, as varied by the Trading with the Enemy (Specified Persons) (Amendment) (No. 10) Order, 1940, the Trading with the Enemy (Specified Persons) (Amendment) (No. 11) Order, 1940, and the Trading with the Enemy (Specified Persons) (Amendment) (No. 12) Order, 1940, shall be deemed to be an enemy during the period as this Order shall in relation to such persons remain in force.

2. The Trading with the Enemy (Specified Persons) (Amendment) (No. 5) Order, 1940, of the 5th of December, 1940, is hereby revoked.

3. This Order may be cited as "The Trading with the Enemy (Specified Persons) Order, 1941," and shall come into operation on the 21st day of January, 1941.

Dated this 21st day of January, 1941.

By Command,

A. W. CARDINALL,

Colonial Secretary.

M.P. S/10/39.

(N.B.—The Schedule referred to above can be seen on application at the Colonial Secretary's Office.)

FALKLAND ISLANDS.

Order.

Emergency Powers (Defence) Act, 1939.

A. W. CARDINALL,

Acting Governor.

In exercise of the powers in him vested by the Emergency Powers (Defence) Act of the United Kingdom, 1939, His Excellency is pleased to order and it is hereby ordered as follows :—

1. The Order made on the 18th day of September, 1939, appointing the Colonial Secretary as Competent Authority under Part VI of the Defence Regulations 1939 is hereby rescinded.

Dated this 28th day of January, 1941.

By Command,

A. I. FLEURET,

for Colonial Secretary.

M.P. 177/39.

FALKLAND ISLANDS.

Order for the control of the retail sale of liquors in the town of Stanley during visits of His Majesty's Ships or Fleet Auxiliaries.

Under the authority of the Emergency (Powers) Defence Act, United Kingdom, 1939, and Section 41 (1) (a) of the Falkland Islands Defence Regulations, 1939, it is hereby ordered as follows :-

1. During the stay at Stanley of one or more of His Majesty's Ships or Fleet Auxiliaries visiting the port for a stay not exceeding seven days

- (a) no person, company, or mercantile firm, or the agent of such company or mercantile firm, duly licensed or authorised to sell liquors in the town of Stanley by retail shall sell such liquors between the hours of 1 p.m. and 9 a.m.
- (b) no person holding a publican's retail licence shall sell or dispose of liquors for conveyance or consumption off the premises, providing that such person may on any day between the hours of noon and 1 p.m. sell up to a quart of draught beer to Stanley residents for consumption off the premises.

2. The Orders for the control of the retail sale of liquors dated the 12th of December, 1939, and the 20th of March, 1940, are hereby revoked.

A. R. CARR,

Competent Authority.

Stanley,

15th March, 1941.

M.P. 211/39.

FALKLAND ISLANDS.

The Trading with the Enemy (Specified Persons) (No. 1) Order, 1941.

A. W. CARDINALL,
Governor.

In pursuance of the powers vested in him by Section 3 (2) of the Trading with the Enemy Ordinance, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows:—

1. Each of the persons specified in the Schedule to the United Kingdom Trading with the Enemy (Specified Persons) (Amendment) (No. 9) Order, 1940, as varied by the Trading with the Enemy (Specified Persons) (Amendment) (No. 10) Order, 1940, the Trading with the Enemy (Specified Persons) (Amendment) (No. 11) Order, 1940, the Trading with the Enemy (Specified Persons) (Amendment) (No. 12) Order, 1940, the Trading with the Enemy (Specified Persons) (Amendment) (No. 13) Order, 1940, and the Trading with the Enemy (Specified Persons) (Amendment) (No. 1) Order, 1941, shall be deemed to be an enemy during such period as this Order shall in relation to such persons remain in force.

2. The Trading with the Enemy (Specified Persons) Order, 1941, of the 21st of January, 1941, is hereby revoked.

3. This Order may be cited as "The Trading with the Enemy (Specified Persons) (No. 1) Order, 1941," and shall come into operation on the 26th day of March, 1941.

Dated this 26th day of March, 1941.

By Command,
A. I. FLEURET,
for Colonial Secretary.

M.P. S/10/39. Part II.

(N.B.—The Schedule referred to above can be seen on application at the Colonial Secretary's Office.)

FALKLAND ISLANDS.

Falkland Islands Defence Regulations.

Order for Detention and Control of Enemy Subjects.

A. W. CARDINALL,
Governor.

In exercise of the powers conferred on him by Regulation 17 (1) of the Falkland Islands Defence Regulations, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows :

1. That the enemy subject whose name is set out below shall be detained until this Order is rescinded or otherwise varied ;—

HELMUTH KRAUSS.

2. That the said enemy subject shall be detained under the command and control of the Magistrate at South Georgia.

By Command,

A. I. FLEURET,
for Colonial Secretary.

Stanley,
16th April, 1941.

M.P. 521/26.

FALKLAND ISLANDS.

Order of His Excellency the Governor in Council under the Licensing Ordinance, 1882.

A. W. CARDINALL,
Governor.

In exercise of the powers in him vested by Section 46 of the Licensing Ordinance, 1882, His Excellency the Governor, by and with the advice of the Executive Council, is pleased to order, and it is hereby ordered that on and after the 20th June, 1941, all premises in which intoxicating liquors are sold by retail shall be open for the following hours only :

On Sunday, Christmas Day and Good Friday, from 12 noon until 1.0 p.m.
On Weekdays, from 9.0 a.m., until 1.0 p.m., and from 4.30 p.m., until 10.0 p.m.

The Order made by the Governor in Executive Council on the 13th day of April, 1908, is hereby rescinded.

Made at a meeting of the Executive Council held on the 14th day of June, 1941.

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

M.P. 211/39.

Order by His Excellency the Governor restricting passenger traffic to ports outside the Colony.

A. W. CARDINALL,
Governor.

Under the authority of Regulation No. 39 of the Falkland Islands Defence Regulations, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows:-

On and after the date of publication of this Order no passenger will be allowed to travel from this Colony excepting in the following circumstances :-

- (a) For medical reasons supported by a certificate from the Senior Medical Officer that necessary treatment cannot be provided in the Colony and that the passenger's health would be endangered if he or she were to remain in the Falkland Islands;
- (b) For travelling to the United Kingdom or any British Colony or Dominion for the purpose of enlisting or undertaking essential war-work;
- (c) In the case of school-children proceeding or returning to their Schools in South America;
- (d) In the case of persons accompanying others in (a) when the Senior Medical Officer certifies the necessity and (c) when the child is under 15 years, by one parent only;
- (e) Government officials (civil, military and naval) travelling on Government duty;
- (f) Ships' ratings;
- (g) In special circumstances approved by the Governor.

Dated this 16th day of June, 1941.

By Command,
A. I. FLEURET,
for Colonial Secretary.

M.P. 55/41.

Order by His Excellency the Governor requiring owners to register their vehicles.

A. W. CARDINALL,
Governor.

Under the authority of Regulation, No. 41 of the Falkland Islands Defence Regulations, 1939, His Excellency the Governor is pleased to order and it is hereby ordered that on and after the coming into force of Proclamation No. 6 of 1941, prohibiting the importation into the Colony of certain non-essential articles, owners of motor cars, motor trucks, motor bicycles and bicycles, must, if they wish to obtain spare parts or renewals, register such motor cars, trucks and bicycles with the Competent Authority and no import licence will be given unless the article, the importation of which is desired, is for use in such motor cars, trucks and bicycles engaged in and registered for essential public services or required for trade delivery vans, peat-carrying and hackney carriage purposes.

Dated this 18th day of June, 1941.

By Command,
A. I. FLEURET,
Competent Authority.

M.P. 46/41.

Defence (Finance) (Amendment No. 2) Regulations, 1941.

A. W. CARDINALL,
Governor.

Under the authority of the Emergency Powers (Defence) Act, United Kingdom, 1939, the Governor is pleased to make the following regulations :-

1. These Regulations may be cited as the Defence (Finance) (Amendment No. 2) Regulations, 1941.

2. Paragraph (a) of sub-section (1) of Regulation 3 of the Defence (Finance) Regulations, 1939, is hereby amended by the insertion of the words "coin exceeding ten shillings in value", after the words "bank notes".

Dated this 18th day of June, 1941.

By Command,
A. I. FLEURET,
for Colonial Secretary.

M.P. S/29/39.

FALKLAND ISLANDS.

The Trading with the Enemy (Specified Persons) (No. 2) Order, 1941.

A. W. CARDINALL,
Governor.

In pursuance of the powers vested in him by Section 3 (2) of the Trading with the Enemy Ordinance, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows:-

1. Each of the persons specified in the Schedule to the United Kingdom Trading with the Enemy (Specified Persons) (Amendment) (No. 2) Order, 1941, as varied by the Trading with the Enemy (Specified Persons) (Amendment) (No. 3) Order, 1941 and the Trading with the Enemy (Specified Persons) (Amendment) (No. 4) Order, 1941, shall be deemed to be an enemy during such period as this Order shall in relation to such persons remain in force.

2. The Trading with the Enemy (Specified Persons) (No. 1) Order, 1941, of the 26th of March, 1941, is hereby revoked.

3. This Order may be cited as "The Trading with the Enemy (Specified Persons) (No. 2) Order, 1941", and shall come into operation on the 23rd day of June, 1941.

Dated this 23rd day of June, 1941.

By Command,
A. I. FLEURET,
for Colonial Secretary.

M.P. S/10/39.

N.B.—The Schedule referred to above can be seen on application at the Colonial Secretary's Office.

Defence (Finance) (Amendment No. 3) Regulations, 1941.

A. W. CARDINALL,
Governor.

Under the authority of the Emergency Powers (Defence) Act, United Kingdom, 1939, the Governor is pleased to make the following regulations :-

1. These Regulations may be cited as the Defence (Finance) (Amendment No. 3) Regulations, 1941.

2. After Regulation 3 of the Defence (Finance) Regulations, 1939, there shall be inserted:-

"3A. Where the Governor is satisfied, owing to a change in the external or internal position of any State, that action is being, or is likely to be taken to the detriment of the economic position of the United Kingdom or to prejudice the efficient prosecution of the War, he may give general or special directions prohibiting either absolutely or to such extent as may be specified in the directions, the carrying out, except with permission granted by or on behalf of the Governor, of any order given by or on behalf of (a) the State or the Sovereign thereof or any person resident therein, or (b) any body corporate which is incorporated under the law of that State or is under the control of that State or the Sovereign thereof or any person resident therein in so far as the

"Order (1) requires the person to whom the order is given to make any payment or to
"part with any gold or securities, or (2) requires any change to be made in the person
"to whose credit any sum is to stand or to whose order any gold or securities are to be
"held."

Dated this 26th day of July, 1941.

By Command,
A. I. FLEURET,
for Colonial Secretary.

M.P. S/29/39.

Falkland Islands Defence Regulations.

Protected Areas.

A. W. CARDINALL,
Governor.

In exercise of the powers in him vested by Regulation No. 28 of the Falkland Islands
Defence Regulations, 1939, His Excellency the Governor is pleased to order and it is hereby
ordered as follows:-

1. The Schedule to the Order made on the tenth day of September, 1940, declaring
certain areas in the Colony to be Protected Areas is hereby amended by the deletion of the
words "Tussac" and "Arrow" and the substitution therefor of the words "Ordnance" and
"Charles" respectively.

Dated this 1st day of August, 1941.

By Command,
A. I. FLEURET,
for Colonial Secretary.

M.P. 208/38.

Regulations made by the Governor in Council under section 11 of the Whale Fishery (Consolidation) Ordinance, 1936.

A. W. CARDINALL,
Governor.

1. These Regulations may be cited as the Whaling (Amend- Short Title.
ment) Regulations, 1941.

2. Section 3 of the Whaling Regulations, 1936, is hereby Amendment of Sec-
amended by the deletion of the figures and words "16th October to tion 3 of Whaling
the 16th April following" and the substitution therefor of the Regulations, 1936.
figures and words "1st October to the 1st April following."

Made and approved by the Governor in Executive Council
on the eleventh day of August, 1941.

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

M.P. D/19/32.

FALKLAND ISLANDS.

The Trading with the Enemy (Specified Persons) (Amendment) (No. 3) Order, 1941.

A. W. CARDINALL,
Governor.

In pursuance of the powers vested in him by Section 3 (2) of the Trading with the
Enemy Ordinance, 1939, His Excellency the Governor is pleased to order and it is hereby
ordered as follows:-

1. Each of the persons specified in the Schedule to the United Kingdom Trading
with the Enemy (Specified Persons) (Amendment) (No. 6) Order, 1941, as varied by the
Trading with the Enemy (Specified Persons) (Amendment) (No. 7) Order, 1941, and the
Trading with the Enemy (Specified Persons) (Amendment) (No. 8) Order, 1941, shall be
deemed to be an enemy during such period as this Order shall in relation to such persons
remain in force.

2. The Trading with the Enemy (Specified Persons) (Amendment) (No. 2.) Order,
1941, of the 23rd of June, 1941, is hereby revoked.

3. This Order may be cited as "The Trading with the Enemy (Specified Persons)
(No. 3) Order, 1941", and shall come into operation on the 4th day of September, 1941.

Dated this 4th day of September, 1941.

By Command,
A. I. FLEURET,
for Colonial Secretary.

M.P. S./10/39.

(N.B.—The Schedule referred to above can be seen on application at the Colonial Secretary's Office.)

FALKLAND ISLANDS.

The Trading with the Enemy (Specified Persons) (Amendment) (No. 4) Order, 1941.

A. W. CARDINALL,
Governor.

In pursuance of the powers vested in him by Section 3 (2) of the Trading with the Enemy Ordinance, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows:—

1. Each of the persons specified in the Schedule to the United Kingdom Trading with the Enemy (Specified Persons) (Amendment) (No. 6) Order, 1941, as varied by the Trading with the Enemy (Specified Persons) (Amendment) (No. 7) Order, 1941, and the Trading with the Enemy (Specified Persons) (Amendment) (No. 8) Order, 1941, the Trading with the Enemy (Specified Persons) (Amendment) (No. 9) Order, 1941, and the Trading with the Enemy (Specified Persons) (Amendment) (No. 10) Order, 1941, shall be deemed to be an enemy during such period as this Order shall in relation to such persons remain in force.

2. The Trading with the Enemy (Specified Persons) (Amendment) (No. 3.) Order, 1941, of the 4th of September, 1941, is hereby revoked.

3. This Order may be cited as "The Trading with the Enemy (Specified Persons) (No. 4) Order, 1941", and shall come into operation on the 3rd day of October, 1941.

Dated this 3rd day of October, 1941.

By Command,
A. I. FLEURET,
for Colonial Secretary.

M.P. S./10/39.

(N.B.—The Schedule referred to above can be seen on application at the Colonial Secretary's Office.)

FALKLAND ISLANDS.

The Trading with the Enemy (Specified Persons) (Amendment) (No. 5) Order, 1941.

A. W. CARDINALL,
Governor.

In pursuance of the powers vested in him by Section 3 (2) of the Trading with the Enemy Ordinance, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows:—

1. Each of the persons specified in the Schedule to the United Kingdom Trading with the Enemy (Specified Persons) (Amendment) (No. 11) Order, 1941, as varied by the Trading with the Enemy (Specified Persons) (Amendment) (No. 12) Order, 1941, and the Trading with the Enemy (Specified Persons) (Amendment) (No. 14) Order, 1941, shall be deemed to be an enemy during such period as this Order shall in relation to such persons remain in force.

2. The Trading with the Enemy (Specified Persons) (Amendment) (No. 4.) Order, 1941, of the 3rd of October, 1941, is hereby revoked.

3. This Order may be cited as "The Trading with the Enemy (Specified Persons) (No. 5) Order, 1941", and shall come into operation on the 28th of November, 1941.

Dated this 28th day of November, 1941.

By Command,
A. I. FLEURET,
for Colonial Secretary.

M.P. S./10/39.

(N.B.—The Schedule referred to above can be seen on application at the Colonial Secretary's Office.)

FALKLAND ISLANDS.

Falkland Islands Defence Regulations.

Order regulating the display of lights and daylight saving.

A. W. CARDINALL,
Governor.

In exercise of the powers in him vested by the Falkland Islands Defence Regulations, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows :-

1. That no artificial light shall be allowed to show from the exterior or interior of any premises in Port Stanley or from any vessel in Port William or Port Stanley from thirty minutes after sunset until thirty minutes before sunrise.

2. All lights on vehicles and hand torches must be adequately dimmed to the satisfaction of the Chief Constable from thirty minutes after sunset until thirty minutes before sunrise.

Dated this 9th day of December, 1941.

By Command,
A. I. FLEURET,
for Colonial Secretary.

M.P. S/7/39.

Falkland Islands Defence Regulations.

A. W. CARDINALL,
Governor.

In exercise of the powers in him vested by the Falkland Islands Defence Regulations, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows :-

1. Regulation No. 54 of the Principal Regulations is hereby amended by the addition of the following sub-section :-

- (3) Every owner or tenant of any premises shall keep in a suitable container and in a suitable place on or near such premises a quantity of sand adequate to deal with any outbreak of fire.

It shall be an offence for any person to remove or tamper with sand kept for fire-fighting purposes, or containers.

Dated this 9th day of December, 1941.

By Command,
A. I. FLEURET,
for Colonial Secretary.

M.P. S/7/39.

Order prohibiting the possession of Firearms in the Town of Stanley.

A. W. CARDINALL,
Governor.

In pursuance of the powers vested in him by Section 57 of the Falkland Islands Defence Regulations, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows :-

1. The possession of any firearm by any person in the town of Stanley is prohibited.
2. Persons in the town of Stanley in possession of any firearm at the date of the coming into operation of this Order shall forthwith deliver any such firearm to the Chief Constable for safe custody.
3. In this Order the expression "firearm" means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged.
4. This Order shall not apply to any firearm issued to His Majesty's Forces or to the Falkland Islands Defence Force for use in the execution of their duties.
5. This Order shall come into force forthwith.

Dated at Stanley this twenty-ninth day of December, 1941.

By Command,
A. I. FLEURET,
for Colonial Secretary.

FALKLAND ISLANDS.

Rules made by the Governor in Council under Section 14 of the Trespass Ordinance, 1904.

A. W. CARDINALL,
Governor.

In exercise of the powers vested in him by Section 14 of the Trespass Ordinance, 1904, His Excellency the Governor with the advice and consent of the Executive Council, is pleased to make and hereby makes the following Rules:-

1. These Rules shall be cited as the "Stanley Common Rules, 1941".
2. No cow, calf or heifer shall be released on the Common before it has been examined by a Stock Inspector and declared to be free from ring-worm or any other infectious or contagious disease.
3. Cattle shall be tested for tuberculosis before being incorporated in the herd.
4. Cattle shall be branded with a serial number within fourteen days of being released on the Common.
5. Sections of the Common open for the time being for the grazing of stock shall be advertised on the public notice boards in the town of Stanley, and any animal found on closed sections shall be impounded or alternatively the owner shall be charged a fee of 2/6d. for removing each animal to the authorized section, with the proviso that camp horses may be grazed on the West Section during Sports week.
6. All gates, except those padlocked open, shall be kept closed and it shall be no defence that a gate was found open.
7. The Director of Agriculture or any person deputed by him shall have power to order the removal, isolation, treatment, disposal or destruction, at the expense of the owner, of any animal suffering from or suspected to be suffering from a contagious disease.

Provided that the owner of any animal destroyed under this rule shall be entitled to compensation equal to two-thirds of the value of the animal at the time of its destruction but in no case shall compensation exceed a sum of £5 for each animal.
8. Any person who commits a breach of any of the foregoing rules shall be liable on conviction to a penalty not exceeding £10.

Made by the Governor at a meeting of the Executive Council held on the 14th day of June, 1941.

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

M.P. 301/35.

FALKLAND ISLANDS.

Securities (Restrictions and Returns) (Amendment) Regulations, 1941.

A. W. CARDINALL,
Governor.

Under the authority of the Emergency Powers (Defence) Act, United Kingdom, 1939, the Governor is pleased to make the following regulations :-

1. These Regulations may be cited as the Securities (Restrictions and Returns) (Amendment) Regulations, 1941.

2. Regulation, No. 4 of the Securities (Restrictions and Returns) Regulations, 1940, is hereby amended by the addition thereto of the following countries:-

Netherlands East Indies
Netherlands West Indies
Newfoundland
Panama
Philippine Islands
Portugal.

3. The Securities (Restrictions and Returns) (Amendment) Regulations, 1940, are hereby rescinded.

Dated this 18th day of February, 1941.

By Command,
A. I. FLEURET,
for Colonial Secretary.

M.P. S/19/40.

FALKLAND ISLANDS.

Falkland Islands Defence (Amendment) Regulations, 1941.

A. W. CARDINALL,
Governor.

His Excellency the Governor under the authority of the Emergency Powers (Defence) Act of the United Kingdom, 1939, is pleased to order and it is hereby ordered as follows :—

1. These Regulations may be cited as the Defence (Amendment) Regulations, 1941, and shall come into operation forthwith.

2. After Regulation 17 of the Principal Regulations there shall be inserted :—

“Power to arrange for
transfer of persons
detained in Colonies,
etc.”

“17A. (1) Where any person has been lawfully ordered to
“be detained in the United Kingdom or in any country or territory
“to which the Emergency Powers (Defence) Act, 1939, has been
“extended by any Order in Council made under section four of that
“Act, the Governor may if it appears to him that it is expedient in
“the interests of public safety or defence that that person should be
“detained but that his detention in the United Kingdom or that
“country or territory, as the case may be, is impracticable or inex-
“pedient, make arrangements with the authority in the United King-
“dom or the said country or territory by which that person has been
“ordered to be detained (in this Regulation called “the detaining
“authority”) for the removal of that person to the Colony, and may
“make an order against that person directing that while on board
“any British ship not being a Dominion ship and after his arrival in
“the Colony shall be detained.

“(2) Any person detained in pursuance of this Regulation :—

“(a) shall be deemed to be in lawful custody;

“(b) shall be under the joint control of the Governor and
“the detaining authority;

“(c) shall be detained in accordance with instructions
“issued by the Governor with the concurrence of the
“detaining authority;

“(d) after arrival in the Colony shall be detained in such
“place as may be authorised by the Governor with the
“concurrence of the detaining authority;

“(e) shall be returned to the United Kingdom or the
“country or territory, as the case may be, where he
“was originally retained, if the detaining authority so
“requests; and

“(f) shall be released if his release is ordered by the
“Governor :

“Provided that, if the Governor is satisfied that there is
“urgent necessity for issuing instructions regarding the control or
“detention of any such person without consulting the detaining
“authority, he may issue such instructions accordingly, and any
“instructions so issued shall have effect pending agreement after
“such consultation as aforesaid and, if concurred in by the detaining
“authority, thereafter.”

3. Regulation 17A of the Principal Regulations shall be renumbered 17B.

4. The Defence (Amendment) (No. 4) Regulations, 1940, are hereby repealed.

Dated this 5th day of March, 1941.

By Command.

A. I. FLEURET,
for Colonial Secretary.

M.P. S/7/39.

FALKLAND ISLANDS.

Defence (Finance) (Amendment) Regulations, 1941.

A. W. CARDINALL,
Governor.

Under the authority of the Emergency Powers (Defence) Act, United Kingdom, 1939, the Governor is pleased to make the following regulations :-

1. These Regulations may be cited as the Defence (Finance) (Amendment) Regulations, 1941.

2. Regulation 3 sub-section (1) of the Defence (Finance) Regulations, 1939, is hereby amended by the addition thereto of the following paragraphs :-

(c) Import into the Colony any Bank of England, Scottish and Northern Ireland Bank Notes.

(d) Import into the Colony any One Pound (£1) Falkland Islands Currency Note bearing the numbers C.44,001 to C.54,000 inclusive.

3. The Defence (Finance) Amendment Regulations, 1940, are hereby rescinded.

Dated this 29th day of March, 1941.

By Command,

A. I. FLEURET,
for Colonial Secretary.

M.P. S/29/39.



ORDINANCES
of the
COLONY
of the
FALKLAND ISLANDS
enacted during the year
1942
together with the
Rules, Regulations etc., etc.,
made during that year.

PART I.

ORDINANCES.

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[L.S.]



FALKLAND ISLANDS.

Ordinance No. 1 of 1942.

I ASSENT,

A. W. CARDINALL,

Governor.

13th March, 1942.

An Ordinance

To create a Labour Advisory Board.

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

1. This Ordinance may be cited as the Labour (Advisory Board) Ordinance, 1942.

2. The Governor may by Order appoint a Labour Advisory Board consisting of not less than three or more than seven persons whose duty it shall be

(a) to submit to the Governor for his consideration any recommendations or suggestions which it may consider expedient to make in regard to any matters connected with labour conditions in the Colony;

(b) to consider and to render to the Governor a report on any matter having reference to or arising out of labour conditions in the Colony which may be specially referred by the Governor to it for its advice.

Passed by the Legislative Council this 10th day of March, 1942.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 13th day of March, 1942.

A. I. FLEURET,

for Colonial Secretary.

FALKLAND ISLANDS :

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

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 2 of 1942.

I ASSENT,

A. W. CARDINALL,

Governor.

13th March, 1942.

An Ordinance

To make provision for the fixing of a Minimum Wage for Labour.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows :—

Enacting Clause.

1. This Ordinance may be cited as the Labour (Minimum Wage) Ordinance, 1942.

Short Title.

2.—(1) Whenever the Governor in Council is satisfied that the wages paid in the Colony or any part of the Colony for any occupation are unreasonably low, he may by proclamation fix a minimum rate of wage for that occupation.

Fixing of minimum wage.

(2) Where a minimum rate of wages is fixed in respect of a part of the Colony the boundaries thereof shall be set out in the proclamation.

(3) The Governor in Council may by proclamation vary or cancel a minimum rate of wage.

(4) The Governor in Council may by proclamation revoke any proclamation made under this section.

(5) Any such minimum rate as aforesaid or the cancellation or variation of any such rate shall become effective as from the date specified in that behalf in the proclamation.

(6) All proclamations under this section shall be published in the Gazette.

3.—(1) The Governor in Council may where he considers it desirable appoint advisory boards to consider the wages paid for any occupation.

Appointment of Advisory Boards.

(2) The Governor in Council may make regulations as to the constitution, appointment and duties of advisory boards.

Penalty for not paying wages in accordance with minimum rate which is effective.

4.—(1) Where a minimum rate of wage fixed by the Governor in Council has become effective an employer shall in cases to which the minimum rate is applicable, pay wages to the person employed at not less than the minimum rate clear of all deductions and if he fails to do so shall be liable on summary conviction before a Magistrate in respect of each offence to a fine not exceeding twenty pounds and to a fine not exceeding five pounds for each day on which the offence is continued after conviction therefor.

Meaning of "deductions."

(2) In sub-section (1) of this section the expression "deductions" shall not apply to loans free of premium or interest advanced on account of wages or to payments in respect of tools or implements supplied to and used by a labourer in his occupation as such, but shall include deductions which could otherwise lawfully be made from wages.

(3) On the conviction of an employer under sub-section (1) of this section the Court may by the conviction adjudge the employer convicted to pay, in addition to any fine, such sum as appears to the Court to be due to the person employed on account of wages, the wages being calculated on the basis of a minimum rate, but the power to order the payment of wages under this provision shall not be in derogation of any right of the person employed to recover wages by any other proceedings.

Offences by agents.

(4) Where an offence for which an employer is by virtue of this section liable to a fine has in fact been committed by some agent of the employer or other person, that agent or other person shall be liable to be proceeded against for the offence in the same manner as if he were the employer, and either together with, or before or after the conviction of the employer, and shall be liable on conviction to the same fine as that to which the employer is liable.

Savings as to employer when agent convicted.

(5) Where an employer who is charged with an offence against this section proves to the satisfaction of the Court that he has used due diligence to enforce the execution of this Ordinance, and that the offence was in fact committed by his agent or some other person without his knowledge, consent, or connivance, he shall, in the event of the conviction of that agent or other person for the offence, be exempt from any fine in respect of the offence, without prejudice, however to the power of the Court under sub-section (3) of this section to adjudge him to pay any sum which appears to the Court to be due to the person employed on account of wages.

Record of wages to be kept.

(6) It shall be the duty of every employer in an occupation to which a minimum rate is applicable, to keep such records of wages as are necessary to show that the provisions of this Ordinance are being complied with as respects persons in his employment, and if he fails to do so he shall be liable on summary conviction before a Magistrate in respect of each offence to a fine not exceeding two pounds and also to a fine not exceeding one pound for every day during which the default continues after conviction.

Burden of proof.

(7) On any prosecution of a person for failing to pay wages at not less than the minimum rate, it shall lie on that person to prove that he has not paid wages at less than the minimum rate.

Appointment of officers and power of entry and inspection.

5.—(1) The Governor in Council may appoint such officers as he may think necessary for the purpose of investigating any complaints and otherwise securing the proper observance of the provisions of this Ordinance.

(2) Any such officer shall have power to enter at all reasonable times upon the premises of any employer in an occupation to which a minimum rate is applicable and to require the production of wages sheets or other record of wages by any such employer and to inspect and examine the same and copy any material part thereof.

(3) If any person hinders or molests any officer in the exercise of the powers given by this section or fails or refuses to produce any wages sheet or other record of wages, that person shall be liable on summary conviction before a Magistrate in respect of each offence to a fine not exceeding five pounds; and if any person makes or causes to be made or knowingly allows to be made any wages sheet or record of wages or record of payments which is false in any material particular or produces or causes to be produced or knowingly allows to be produced any such sheet or record to any officer acting in exercise of the powers given by this section knowing the same to be false, he shall be liable on summary conviction before a Magistrate to a fine not exceeding twenty pounds or to imprisonment with or without hard labour for a term not exceeding three months.

6. Any agreement for the payment of wages in contravention of the provisions of this Ordinance shall be void.

Agreement in contravention of this Ordinance void.

7. The Minimum Wage Fixing Machinery Ordinance 1932 is hereby repealed.

Repeal of Ordinance No. 6 of 1932.

Passed by the Legislative Council this 10th day of March, 1942.

A. I. FLEURET,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 13th day of March, 1942.

A. I. FLEURET,

for Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 3 of 1942.

I ASSENT,

A. W. CARDINALL,

Governor.

13th March, 1942.

An Ordinance

To enable the Governor to issue Commissions of Inquiry with special powers.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows :—

Enacting Clause.

1. This Ordinance may be cited as The Commissions of Inquiry Ordinance, 1942.

Short title.

2. It shall be lawful for the Governor, whenever he shall deem it advisable, to issue a Commission appointing one or more Commissioners, and authorising such Commissioners, or any quorum of them therein mentioned, to inquire into the conduct of any officer in the public service in the Colony of the Falkland Islands and its Dependencies, the conduct or management of any department of the public service or of any public or local institution, or into any matter in which any inquiry would, in the opinion of the Governor, be for the public welfare. Each such Commission shall specify the subject of inquiry, and may, in the discretion of the Governor, if there is more than one Commissioner, direct which Commissioner shall be chairman, and direct where and when such inquiry shall be made, and the report thereof rendered, and prescribe how such Commission shall be executed, and may direct whether the inquiry shall or shall not be held in public. In the absence of a direction to the contrary, the inquiry shall be held in public, but the Commissioners shall nevertheless be entitled to exclude any particular person or persons for the preservation of order, for the due conduct of the inquiry, or for any other reason.

Power to issue commissions of inquiry into matters of public nature, etc.

Particulars of commissions.

Mode of holding inquiry and as to preservation of order.

3. In case any Commissioner shall be or become unable or unwilling to act, or shall die, the Governor may appoint another Commissioner in his place; and any Commission issued under this Ordinance may be altered as the Governor may deem fit by any subsequent Commission issued by the Governor, or may be revoked altogether by a notification to that effect published in the Gazette.

Power to appoint fresh Commissioners and to alter and revoke commissions.

Commissions not affected by change of Governor.	4. No Commission issued under this Ordinance shall lapse by reason of, or be otherwise affected by the death, absence, or removal of the Governor issuing the same.		
As to oath of office by Commissioners.	5. It shall be the duty of each Commissioner appointed under this Ordinance to make and subscribe an oath that he will faithfully, fully, impartially, and to the best of his ability discharge the trust, and perform the duties devolving upon him by virtue of such Commission, which oath may be taken before the Governor, or before such person as the Governor may appoint, and shall be deposited by the Commissioner with the Colonial Secretary.		Penalty for contumacy, insult, or interruption of proceedings.
Power to appoint secretary: his duties.	6. The Governor may appoint a secretary to attend the sittings of the Commission to record their proceedings, to keep their papers, summon, and minute the testimony of witnesses, and generally to perform such duties connected with such inquiry as the Commissioners shall prescribe.		Indemnity to witnesses.
Duties of Commissioners defined.	7. It shall be the duty of the Commissioners, after taking such oath, to make a full, faithful, and impartial inquiry into the matter specified in such Commission, and to conduct such inquiry in accordance with the directions (if any) in the Commission; and, in due course, to report to the Governor, in writing, the result of such inquiry; and also when required, to furnish to the Governor a full statement of the proceedings of such Commission, and of the reasons leading to the conclusions arrived at or reported.		Appearance of counsel.
Division of opinion of Commissioners.	8. If the Commissioners shall, in any case, be equally divided on any question that arises during the proceedings of the Commission, the chairman of the Commission shall have a second or casting vote.		
Commissioners' powers for regulating proceedings.	9. The Commissioners acting under this Ordinance may make such rules for their own guidance, and the conduct and management of proceedings before them, and the hours and times and places for their sittings, not inconsistent with their Commission, as they may from time to time think fit, and may from time to time adjourn for such time and to such place as they may think fit, subject only to the terms of their Commission.		Constables detailed to attend Commissioners: their duties.
Power to summon and examine witnesses, and protection of Commissioner from suit.	10. Commissioners acting under this Ordinance shall have the powers of the Supreme Court to summon witnesses, and to call for the production of books, plans, documents, and to examine witnesses and parties concerned on oath, and no Commissioner shall be liable to any action or suit for any matter or thing done by him as Commissioner. All summonses for the attendance of witnesses, or other persons, or the production of documents, may be in the form or any form to the like effect, given in the Schedule to this Ordinance, and shall be signed by one of the Commissioners, and oaths may be administered by one of the Commissioners or by their secretary.		Remuneration to Commissions, etc.
Schedule.			
False evidence.	11. Any witness who shall wilfully give false evidence in any such inquiry concerning the subject matter of such inquiry shall be guilty of perjury, and be liable to be prosecuted and punished accordingly.		Commissions etc., to be published in Gazette.
Duty of witnesses summoned.	12. All persons summoned to attend and give evidence, or to produce books, plans, or documents at any sitting of any such Commission, shall be bound to obey the summons served upon them as fully in all respects as witnesses are bound to obey subpoenas issued from the Supreme Court, and shall be entitled to like expenses as if they had been summoned to attend at such Court on a criminal trial, if the same shall be allowed by the Commissioners, but the Commissioners may disallow the whole or any part of such expenses in any case if they think fit. Orders for the payment of such witnesses		As to proceedings for penalties.
Expenses of witnesses.			Repeal of Ordinance No. 3 of 1900 section 27.
	shall be made as nearly as may be as orders are made for the payment of witnesses in the Supreme Court, and shall be paid in such manner as the Governor may direct. Every person refusing or omitting without sufficient cause to attend at the time and place mentioned in the summons served on him, and every person attending, but leaving the Commission without the permission of the Commissioners, or refusing without sufficient cause to answer, or to answer fully and satisfactorily to the best of his knowledge and belief, all questions put to him by or with the concurrence of the Commissioners, or refusing or omitting without sufficient cause to produce any books, plans, or documents in his possession or under his control, and mentioned or referred to in the summons served on him, and every person who shall at any sitting of the Commission wilfully insult any Commissioner, or the secretary, or wilfully interrupt the proceedings of the Commission, shall be liable to a penalty not exceeding fifty pounds, to be recovered in a summary manner before a Magistrate: Provided always that no person giving evidence before the Commission shall be compellable to criminate himself, and every such person shall, in respect of any evidence given by him before the Commission, be entitled to all the privileges to which a witness giving evidence before the Supreme Court is entitled in respect of evidence given by him before such Court.		
	13. Any person whose conduct is the subject of inquiry under this Ordinance, or who is in any way implicated or concerned in the matter under inquiry, shall be entitled to be represented by counsel at the whole of the inquiry, and any other person who may consider it desirable that he should be so represented may, by leave of the Commission, be represented in manner aforesaid.		
	14. The Chief Constable shall detail constables to attend upon any such Commissioners, to preserve order during the proceedings of the Commission, and to serve summonses on witnesses, and to perform such ministerial duties as such Commissioners shall direct.		
	15. Commissioners appointed under this Ordinance shall not be entitled to any remuneration, unless such remuneration shall be specially voted by the Legislative Council, beyond the actual expenses incurred in holding the inquiry, but the Governor may direct what remuneration, if any, shall be paid to the secretary, and to any other persons employed in or about any such Commission, and may direct payment of any other expenses attendant upon the carrying out of any such Commission, or upon any proceedings for any penalty under this Ordinance. Such sums, so directed to be paid, shall be defrayed out of the public revenue of the Colony upon the warrant of the Governor.		
	16. All Commissions under this Ordinance, and all revocations of any such Commission, shall be published in the <i>Gazette</i> , and shall take effect from the date of such publication.		
	17. No proceedings shall be commenced for any penalty under this Ordinance except by the direction of the Commissioners. The Commissioners may direct their secretary, or such other person as they may think fit, to commence and prosecute the proceedings for such penalty.		
	18. Section 27 of the Interpretation and General Law Ordinance, 1900, (which relates to the appointment of a Commission of Inquiry) is hereby repealed.		
	SCHEDULE. (Section 10.)		
	SUMMONS TO WITNESS.		Summons to witness.
	To A.B., (name of person summoned, and his calling and residence, if known).		

You are hereby summoned to appear before (*here name the Commissioners*), appointed by the Governor to inquire (*state briefly the subject of inquiry*), at (*place*), upon the day of , 19 , at o'clock, and to give evidence respecting such inquiry. (*If the person summoned is to produce any documents add*) and you are required to bring with you (*specify the books, plans, and documents required*). Therefore, fail not at your peril.

Given under the hand of Commissioner,
this day of , 19 .

Passed by the Legislative Council this 10th day of March, 1942.

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

Assented to by the Governor and given under the Public Seal of the Colony this 13th day of March, 1942.

A. I. FLEURET,
for Colonial Secretary.



[L.S.]

FALKLAND ISLANDS.

Ordinance No. 4 of 1942.

I ASSENT,
A. W. CARDINALL,
Governor.

13th March, 1942.

An Ordinance To regulate Trade Unions and Trade Disputes.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows :- Enacting Clause.

1. This Ordinance may be cited as the Trade Unions and Trade Disputes Ordinance. Short Title.

PART I.

2. "Trade Union" means any combination whether temporary or permanent, the principal purposes of which are under its constitution the regulation of the relations between workmen and masters, or between workmen and workmen, or between masters and masters whether such combination would or would not if this Ordinance had not been enacted have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade: Meaning of trade union.

Provided that nothing in this Ordinance

(a) shall affect

- (1) Any agreement between partners as to their own business;
- (2) Any agreement between an employer and those employed by him as to such employment;
- (3) Any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession, trade or handicraft; or

(b) shall preclude any trade union from providing benefits for its members.

FALKLAND ISLANDS :

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

"Registered" means Registered under this Ordinance.

"Registrar" means the Registrar of Trade Unions.

Trade unions not criminal.

3. The purposes of any trade union shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise.

Trade union not unlawful for civil purposes.

4. The purposes of any trade union shall not, by reason merely that they are in restraint of trade, be unlawful so as to render voidable any agreement or trust.

Trade unions prohibited from carrying on business unless registered.

5. (1) No trade union or any member thereof shall perform any act in furtherance of the purposes for which it has been formed unless such trade union has first been registered.

(2) Any trade union or any officer or member thereof who contravenes the provisions of this section shall be guilty of an offence punishable with a fine not exceeding twenty-five pounds.

Registrar of trade unions.

6. The Governor may appoint such person as he may think fit to be the Registrar of Trade Unions.

Registration of trade unions.

7. Any seven or more members of a trade union may, by subscribing their names to the rules of the union and otherwise complying with the provisions of this Ordinance with respect to registration, register such trade union under this Ordinance:

Provided that if any one of the purposes of such trade union be unlawful such registration shall be void.

Compulsory registration.

8. (1) Every trade union shall be registered in accordance with the provisions of this Ordinance or be dissolved within three months of the date

(a) of its formation, or

(b) of any notification by the Registrar that he has refused under section 10 to register the trade union, or

(c) of the commencement of this Ordinance whichever is the later date.

(2) Every trade union which is not registered or dissolved within the period prescribed in the preceding sub-section and every officer thereof shall be guilty of an offence punishable with a fine not exceeding five pounds for every day it remains unregistered after the expiration of such period.

Rules for registry.

9. With respect to the registry under this Ordinance of a trade union, and of the rules thereof, the following provisions shall apply:—

(1) An application to register the trade union and its rules shall be sent to the Registrar with copies of the rules and a list of the titles and names of the officers of the trade union.

(2) The Registrar upon being satisfied that the trade union has complied with the rules respecting registry in force under this Ordinance shall subject to the provisions of section 10 register the trade union and rules.

(3) No trade union shall be registered under a name identical with that by which any other existing trade union has been registered or so nearly resembling such name as to be likely to deceive the members or the public.

(4) The Registrar upon registering a trade union shall issue a certificate of registration.

10. (1) if the Registrar is satisfied that

(a) the applicants have not been duly authorised to apply for registration; or

(b) the purposes of the trade union are unlawful; or

(c) the application is not in conformity with the provisions of this Ordinance; he may refuse registration.

(2) When the Registrar refuses to register a trade union he shall forthwith inform the applicants in writing of the grounds of his refusal.

(3) An appeal shall lie to the Supreme Court from a refusal of the Registrar to register a trade union and on such appeal the Supreme Court may make any such order as it thinks proper, including any directions as to the costs of the appeal. Any such order of the Supreme Court shall be final.

(4) The Supreme Court may make rules governing such appeals, providing for the method of giving evidence, prescribing the time within which such appeals shall be brought, the fees to be paid, the procedure to be followed and the manner of notifying the Registrar of the appeal.

(5) The Registrar shall be entitled to be heard on any appeal.

11. (1) It shall be lawful for the Registrar to cancel the registration of any trade union

(a) at the request of the trade union, to be evidenced in such manner as he may direct;

(b) on proof to his satisfaction that a certificate of registration has been obtained by fraud or mistake, or that such trade union has wilfully, and after notice from the Registrar, violated any of the provisions of this Ordinance or has ceased to exist.

(2) Not less than two months' previous notice specifying briefly the grounds of the proposed cancellation, except where the trade union has ceased to exist in which case notice of cancellation may be given forthwith, shall be given by the Registrar to the trade union before such cancellation is effected.

(3) An appeal from the decision of the Registrar under this section shall lie to the Supreme Court subject to the same conditions as are provided for an appeal against the refusal of the Registrar to register a trade union, and the Supreme Court may make rules providing for the same matters for which rules may be made in respect of such appeal. The decision of the Supreme Court shall be final.

12. (1) Every treasurer or other officer of a registered trade union at such times as by the rules thereof he should render such accounts as hereinafter mentioned, or having been required so to do, shall render to the members thereof, at a meeting of the trade union, a just and true account of all moneys received and paid by him since he last rendered the like account, and of the balance then remaining in his hands, and of all bonds and securities of such trade union.

(2) Such account shall be audited by some fit and proper person or persons to be appointed by the trade union.

Refusal of registration.

Cancellation of registration.

Officers of trade union to account.

(3) Upon the account being audited the treasurer or other officer as the case may be shall, if thereupon required, hand over to the trade union the balance which on such audit appeared to be due from him, and shall also if required hand over to the trade union all securities and effects, books, papers and property of the trade union in his hands or custody.

(4) If the treasurer or other officer fails to hand over such things and documents as in sub-section (3) required, the Committee of Management of the trade union or any member for and on behalf of the trade union may sue him in any competent court for the balance appearing to have been due from him upon the account last rendered by him, and for all moneys since received by him on account of such trade union and for the securities and effects, books, papers and property in his hands or custody, leaving him to set off in such action the sums, if any, which he may have since paid on account of such trade union; and in any such action the plaintiff shall be entitled to recover full costs of suit to be taxed as between solicitor and client.

Audited accounts to be sent to registrar.

13. (1) Every registered trade union shall transmit to the Registrar the account prepared and audited in accordance with section 12 within one month of its submission to the members of the trade union.

(2) Every officer of a registered trade union which fails to comply with the provisions of this section shall be guilty of an offence punishable with a fine not exceeding twenty-five pounds.

Rules of registered trade unions.

14. With respect to the rules of a registered trade union, the following provisions shall have effect:—

- (1) The rules of every such trade union shall contain provisions in respect of the several matters mentioned in the Schedule.
- (2) A copy of the rules shall be delivered by the trade union to every person on demand on payment of a sum not exceeding one shilling.

Alteration of rules of trade unions.

15. (1) Every alteration of the rules of a registered trade union shall be registered with the Registrar and shall take effect from the date of registration unless some later date is specified in the rules.

(2) The rules of a registered trade union shall not be altered so that they cease to contain provisions in respect of the several matters in the Schedule.

Rules by Governor in Council.

16. (1) The Governor-in-Council may make rules respecting registry under this Ordinance and in particular but without prejudice to the generality of the foregoing power with respect to

- (a) The seal, if any, to be used by the Registrar for the purpose of registration under this Ordinance;
- (b) The forms to be used for such registry;
- (c) The inspection of registers and documents kept by the Registrar and the making of copies of any entries therein;
- (d) The fees to be charged for registration and inspection and any other service or matter prescribed or permitted by this Ordinance; and
- (e) Generally for carrying this part of this Ordinance into effect.

PART II.

17. (1) In this part:—

Definitions.

“To intimidate” means to cause in the mind of a person a reasonable apprehension of injury to him or to any member of his family or to any of his dependants or of violence or damage to any person or property.

“Injury” includes injury to a person in respect of his business, occupation, employment or other source of income, and includes any actionable wrong.

“Trade dispute” means any dispute between employers and workmen or between workmen and workmen, which is connected with the employment or non-employment or with the terms of the employment, or with the conditions of labour of any person.

“Workmen” means all persons employed in trade or industry, whether or not in the employment of the employer with whom a trade dispute arises.

18. (1) An action against a trade union, whether of workmen or masters, or against any members or officials thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union shall not be entertained by any Court.

Immunity of trade unions from actions of tort.

(2) Nothing in this section shall affect the liability of a trade union or any official thereof to be sued in any Court touching or concerning the property or rights of a trade union, except in respect of any tortious act committed by or on behalf of the union in contemplation or in furtherance of a trade dispute.

19. (1) An agreement or combination of two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute shall not be triable as a conspiracy if such act committed by one person would not be punishable as a crime.

Conspiracy in relation to trade disputes.

(2) An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable.

(3) Nothing in this section shall exempt from punishment any person guilty of a conspiracy for which a punishment is awarded by any law in force in the Colony.

(4) Nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace or sedition or any offence against the State or the Sovereign.

(5) A crime for the purposes of this section means an offence for the commission of which the offender is liable to be imprisoned either absolutely or at the discretion of the Court as an alternative for some other punishment.

(6) Where a person is convicted of any such agreement or combination as aforesaid to do or procure to be done an act which is punishable on summary conviction, and is sentenced to imprisonment, the imprisonment shall not exceed three months, or such longer time, if any, as may have been prescribed by the law for the punishment of the said act when committed by one person.

Removal of liability for interfering with another person's business.

20. An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the ground only that it induces some other person to break a contract of employment or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or his labour as he wills.

Intimidation or annoyance.

21. (1) Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority

- (a) uses violence to or intimidates such other person or his wife or children, or injures his property; or
- (b) persistently follows such other person about from place to place; or
- (c) hides any tools, clothes or other property owned or used by such other person, or deprives him of or hinders him in the use thereof; or
- (d) watches or besets the house or other place where such other person resides or works or carries on business or happens to be or the approach to such house or place; or
- (e) follows such other person with two or more other persons in a disorderly manner in or through any street or road,

shall be guilty of an offence punishable with a fine not exceeding twenty pounds or with imprisonment with or without hard labour for a term not exceeding three months.

(2) Attending at or near any house or place in such numbers or in such manner as is by sub-section (2) of section 22 declared to be unlawful shall be deemed to be a watching and besetting of that house or place within the meaning of this section.

Peaceful picketing and prevention of intimidation.

22. Notwithstanding anything contained in this Ordinance:—

- (1) It shall be lawful for one or more persons acting on their own behalf or on behalf of a trade union or of an individual employer or firm in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or abstain from working.
- (2) It shall not be lawful for one or more persons (whether acting on their own behalf or on behalf of a trade union or of an individual employer or firm, and notwithstanding that they may be acting in contemplation or furtherance of a trade dispute) to attend at or near a house or place where a person resides or works or carries on business or happens to be, for the purpose of obtaining or communicating information or of persuading or inducing any person to work or to abstain from working if they so attend in such numbers or otherwise in such manner as to be calculated to intimidate any person in that house or place, or to obstruct the approach thereto or egress therefrom, or to lead to a breach of the peace; and any person who acts in contravention of this

Picketing in such numbers, etc., as to be calculated to intimidate.

sub-section shall be guilty of an offence punishable with a fine not exceeding twenty pounds or with imprisonment with or without hard labour for a period not exceeding three months.

THE SCHEDULE. (Section 14.)

Schedule.

1. The name of the trade union.
2. The whole of the objects for which the trade union is to be established, the purposes for which the funds thereof shall be applicable, and the conditions under which any member may become entitled to any benefit assured thereby and the fines and forfeitures to be imposed on any member of the trade union.
3. The manner of making, altering, amending and rescinding rules.
4. A provision for the appointment and removal of a general committee of management, of a treasurer and other officers.
5. A provision for the keeping of full and accurate accounts by the treasurer.
6. A provision for the investment of the funds or their deposit in a bank and for an annual or periodical audit of accounts.
7. The inspection of the books and names of members of the trade union by every person having an interest in the funds of the trade union.
8. The manner of dissolving the trade union.

Passed by the Legislative Council this 10th day of March, 1942.

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

Assented to by the Governor and given under the Public Seal of the Colony this 13th day of March, 1942.

A. I. FLEURET,
for Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 5 of 1942.

I ASSENT,

A. W. CARDINALL,

Governor.

13th March, 1942.

An Ordinance

To provide for compensation in respect of action taken on behalf of the Governor in the exercise of certain emergency powers, and for purposes connected with the matter aforesaid.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows:-

Enacting Clause.

1. (1) This Ordinance may be cited as the Compensation (Defence) Ordinance, 1942.

Short Title and commencement.

(2) This Ordinance shall be deemed to have come into operation on the twenty-sixth day of August, nineteen hundred and thirty-nine.

RIGHT TO AND MEASURE OF COMPENSATION.

2. (1) Where, in the exercise of emergency powers during the period beginning with the twenty-sixth day of August, nineteen hundred and thirty-nine, and ending on the day on which the Emergency Powers (Colonial Defence) order in Council 1939, expires

Compensation for action taken in the exercise of emergency powers.

- (a) possession of any land has been taken on behalf of the Governor of the Colony, or
- (b) any property other than land has been requisitioned or acquired on behalf of the Governor of the Colony, or
- (c) any work has been done on any land on behalf of the Governor of the Colony, otherwise than by way of measures taken to avoid the spreading of the consequences of damage caused by war operations,

then, subject to the following provisions of this Ordinance compensation assessed in accordance with those provisions shall be paid, out of the revenues of the Colony, in respect of the taking possession of the land, the requisition or acquisition of the property, or the doing of the work, as the case may be.

(2) For the purposes of this section, a requirement that any space or accommodation in a ship or an aircraft be placed at the disposal of any authority shall be deemed to be a requisition of property.

Compensation in
respect of taking
possession of land.

3. (1) The compensation payable under this Ordinance in respect of the taking possession of any land shall be the aggregate of the following sums, that is to say

- (a) a sum equal to the rent which might reasonably be expected to be payable by a tenant in occupation of the land, during the period for which possession of the land is retained in the exercise of emergency powers, under a lease granted immediately before the beginning of that period, whereby the tenant undertook to pay all usual tenant's rates and taxes and to bear the cost of the repairs and insurance and the other expenses, if any, necessary to maintain the land in a state to command rent, and
- (b) a sum equal to the cost of making good any damage to the land which may have occurred during the period for which possession thereof is so retained (except in so far as the damage has been made good during that period by a person acting on behalf of the Governor of the Colony), no account being taken of fair wear and tear or of damage caused by war operations, and
- (c) in a case where the land is agricultural land a sum equal to the amount (if any) which might reasonably have been expected to be payable in addition to rent by an incoming tenant, in respect of things previously done for the purpose of the cultivation of the land, and in respect of seeds, tillages, growing crops and other similar matters, under a lease of the land granted immediately before possession thereof was taken in the exercise of emergency powers, and
- (d) a sum equal to the amount of any expenses reasonably incurred, otherwise than on behalf of the Governor of the Colony, for the purpose of compliance with any directions given on behalf of the Governor of the Colony in connection with the taking possession of the land:

Provided that

- (i) in computing for the purposes of paragraph (a) of this subsection the rent which might reasonably be expected to be payable in respect of any land, and in computing for the purposes of paragraph (c) of this subsection any amount which might reasonably have been expected to be payable in addition to rent by an incoming tenant, no account shall be taken of any appreciation of values due to the emergency; and
- (ii) there shall not, by virtue of paragraph (b) of this subsection, be payable in respect of damage to any land a sum greater than the value

of the land at the time when possession thereof was taken in the exercise of emergency powers, no account being taken of any appreciation in the value thereof due to the emergency.

(2) Any compensation under paragraph (a) of the preceding subsection shall be considered as accruing due from day to day during the period for which the possession of the land is taken in the exercise of emergency powers, and be apportionable in respect of time accordingly, and shall be paid to the person who for the time being would be entitled to occupy the land but for the fact that possession thereof is retained in the exercise of such powers; but this subsection shall not operate so as to require the making of payments at intervals of less than three months.

For the purposes of the enactments relating to income tax and in particular for the purposes of such of those enactments as relate to the deduction of tax from rent, any compensation under the said paragraph (a) shall be deemed to be rent payable for the land, the Crown shall be deemed to pay it as tenant occupier, and the person receiving it shall be deemed to receive it as landlord.

(3) Any compensation under paragraph (b) of subsection (1) of this section shall accrue due at the end of the period for which possession of the land is retained in the exercise of emergency powers, and shall be paid to the person who is then the owner of the land.

(4) Any compensation under paragraph (c) of subsection (1) of this section shall accrue due at the time when possession of the land is taken in the exercise of emergency powers, and shall be paid to the person who, immediately before that time, was the occupier of the land.

(5) Any compensation under paragraph (d) of subsection (1) of this section shall accrue due at the time when the expenses in respect of which the compensation is payable are incurred, and shall be paid to the person by whom or on whose behalf those expenses were incurred.

4. (1) Compensation under this Ordinance in respect of the doing of any work on any land shall be payable only if the annual value of the land is diminished by reason of the doing of the work.

Compensation in
respect of the doing
of work on land.

(2) The compensation payable under this Ordinance in respect of the doing of any work on any land shall, in the first instance, be a sum calculated by a reference to the diminution of the annual value of the land ascribable to the doing of the work, and shall be paid in instalments, quarterly in arrear, to the person who for the time being is entitled to occupy the land.

Any compensation under this subsection shall be considered as accruing due from day to day, and shall be apportionable in respect of time accordingly.

(3) If, at any time after compensation under the preceding subsection has become payable by reason of the doing of any work on any land, a person acting on behalf of the Governor of the Colony

- (a) causes the land to be restored, so far as practicable, to the condition in which it would be but for the doing of the work, or
- (b) serves on the person for the time being entitled to occupy the land a written notice of intention to discharge the liability for the compensation by making,

not earlier than a date specified in the notice, payment of a lump sum in accordance with the following provisions of this section,

the period in respect of which compensation is payable under the preceding subsection by reason of the doing of the work shall end with the date immediately preceding the date on which the restoration is completed or, as the case may be, the date specified in the notice.

(4) Where, by virtue of the operation of the last preceding subsection in relation to any work done on any land, the period in respect of which compensation under subsection (1) of this section is payable by reason of the doing of the work comes to an end, then if, at the expiration of that period the value of any estate or interest which a person then has in the land is less than it would be but for the doing of the work, there shall be paid to him, by way of compensation under this Ordinance, a sum equal to the amount of the said depreciation in the value of the estate or interest; and that compensation shall be taken to accrue due at the expiration of the said period.

(5) As soon as may be after effecting any restoration or serving any notice in pursuance of subsection (3) of this section, the person by whom the restoration was effected or the notice was served shall cause the fact of the restoration or the contents of the notice, as the case may be, to be published in such manner as he thinks best adapted for informing persons affected.

(6) In determining for the purposes of this section whether the annual value of any land is diminished by reason of the doing of any work thereon, and assessing any compensation under this section in respect of the doing of any work on any land, it shall be assumed that the land cannot be restored to the condition in which it would be but for the doing of the work.

(7) For the purposes of this section, no account shall be taken of any diminution or depreciation in value ascribable only to loss of pleasure or amenity.

(8) No compensation under this section shall, in relation to any land, be payable in respect of any period for which possession of that land is taken on behalf of the Governor of the Colony in the exercise of emergency powers.

(9) In this section

- (a) the expression "annual value" means, in relation to any land, the rent at which the land might reasonably be expected to let from year to year if the tenant undertook to pay all usual tenant's rates and taxes and to bear the costs of the repairs and insurance and the other expenses, if any, necessary to maintain the land in a state to command that rent; and
- (b) the expression "diminution of the annual value" means, in relation to the doing of any work on land, the amount by which the annual value of the land is less than it would be if the work had not been done.

5. (1) The compensation payable under this Ordinance in respect of the requisition of any vessel, vehicle or aircraft shall be the aggregate of the following sums, that is to say

- (a) a sum equal to the amount which might reasonably be expected to be payable by a person for the use of the vessel, vehicle or aircraft during the period of the requisition, under a charter or contract of hiring

whereby he undertook to bear the cost of insuring, maintaining and running the vessel, vehicle or aircraft, and

- (b) if an agreement is made on behalf of the Governor of the Colony for the running of the vessel, vehicle or aircraft during the said period by the person who, but for the requisition, would be entitled to possession of the vessel, vehicle or aircraft, or who is the owner thereof, a sum equal to the amount of any expenses reasonably incurred by that person in connection with the maintenance and running of the vessel, vehicle or aircraft during that period, not being expenses taken into account for the purposes of paragraph (a) of this subsection, and
- (c) a sum equal to the cost of making good any damage to the vessel, vehicle or aircraft not resulting in a total loss thereof, which may have occurred during the said period (except in so far as the damage has been made good during that period by a person acting on behalf of the Governor of the Colony), no account being taken of fair wear and tear, and
- (d) in a case where, during the period of the requisition, a total loss of the vessel, vehicle or aircraft occurs, a sum equal to the value of the vessel, vehicle or aircraft immediately before the occurrence of the damage which caused the loss, and
- (e) a sum equal to the amount of any expenses reasonably incurred, otherwise than on behalf of the Governor of the Colony, for the compliance with any directions given on behalf of the Governor of the Colony in connection with the requisition:

Provided that

- (i) in computing for the purposes of paragraph (a) of this subsection the amount which might reasonably be expected to be payable for the use of any vessel, vehicle or aircraft, no account shall be taken of any appreciation in the value thereof due to the emergency; and
- (ii) no compensation shall by virtue of this subsection be payable in respect of any loss of, or damage to, any vehicle or aircraft arising in consequence of war operations, unless it is shown that, at the time when the loss or damage occurred, the risk of the vehicle or aircraft being lost or damaged in consequence of war operations was materially increased by reason of the requisition thereof in the exercise of emergency powers; and
- (iii) no compensation shall by virtue of paragraph (c) of this subsection be payable in respect of any damage, if compensation in respect of expenses incurred for the purpose of making good that damage has accrued due by virtue of paragraph (b) of this subsection.

(2) Any compensation under paragraph (a) of the preceding subsection shall be considered as accruing due from day to day during the period for which the vessel, vehicle or aircraft is requisitioned in the exercise of emergency powers, and be apportionable in respect of time accordingly, and shall be paid to the person

Compensation in respect of requisition or acquisition of vessels, vehicles and aircraft.

who, at the time when compensation accrues due, is the owner of the vessel, vehicle or aircraft: but this subsection shall not operate so as to require the making of payments at intervals of less than one month.

(3) Where, on the day on which any compensation accrues due by virtue of paragraph (a) of subsection (1) of this section, a person other than the owner of the vessel, vehicle or aircraft is, by virtue of a subsisting charter or contract of hiring, the person who would be entitled to possession of, or to use the vessel, vehicle or aircraft but for the requisition, the person to whom the compensation is paid shall be deemed to receive it as a trustee for the first mentioned person.

(4) Any compensation under paragraph (b) or paragraph (c) of subsection (1) of this section shall accrue due at the time when the expenses in respect of which the compensation is payable are incurred, and shall be paid to the person by whom or on whose behalf those expenses were incurred; but this subsection shall not operate so as to require the making of payments at intervals of less than one month.

(5) Any compensation under paragraph (c) or paragraph (d) of subsection (1) of this section shall accrue due at the end of the period of the requisition, and shall, subject to the following provisions of this Ordinance, be paid to the person who is then the owner of the vessel, vehicle or aircraft.

(6) For the purposes of subsection (1) of this section, the expression "total loss" shall have the same meaning as it has for the purposes of the law relating to insurance, and accordingly shall be construed as including constructive total loss; and upon the payment to any person of any compensation which has become payable by virtue of paragraph (d) of that subsection in respect of any loss, the Crown shall have the same right to take over an interest in whatever remains of the vessel, vehicle or aircraft, and the same rights and remedies in and in respect of the vessel, vehicle or aircraft, as it would have if the payment had been made by the Crown as the insurer under a contract insuring that person against the loss.

(7) The compensation payable under this Ordinance in respect of the acquisition of any vessel, vehicle or aircraft shall be a sum equal to the value of the vessel, vehicle or aircraft immediately before the acquisition, no account being taken of any appreciation due to the emergency, and shall, subject to the following provisions of this Ordinance, be paid to the person who is then the owner of the vessel, vehicle or aircraft.

For the purpose of assessing any compensation under this subsection in respect of the acquisition of any vessel, vehicle or aircraft, no account shall be taken of any compensation under paragraph (a) or paragraph (c) of subsection (1) of this section which may have become payable in respect of the requisition of that vessel, vehicle or aircraft.

(8) Where, at any time during the period for which a vessel, vehicle or aircraft is requisitioned on behalf of the Governor of the Colony in the exercise of emergency powers

(a) a written notice stating that the vessel, vehicle or aircraft is to be treated as acquired on behalf of the Governor of the Colony is served on the owner thereof by a person acting on behalf of the Governor of the Colony, or

(b) the vessel, vehicle or aircraft is sold on behalf of the Governor of the Colony,

then, for the purposes of this section, the vessel, vehicle or aircraft shall be deemed to have been acquired on behalf of the Governor of the Colony in the exercise of emergency powers immediately before the day on which the said notice was served or, as the case may be, the day on which the vessel, vehicle or aircraft was so sold, and the period of requisition shall be deemed to have ended at the time when the acquisition of the vessel, vehicle or aircraft as aforesaid is deemed by virtue of this subsection to have been effected.

(9) Where there is effected such a sale of any vessel, vehicle or aircraft as is referred to in paragraph (b) of the last preceding subsection, the person by whom the sale was effected shall, as soon as may be thereafter, serve a written notice of the sale on the person who for the time being would be the owner of the vessel, vehicle or aircraft but for the sale thereof as aforesaid.

6. (1) The compensation payable under this Ordinance in respect of any requirement that any space or accommodation in a ship or an aircraft be placed at the disposal of any authority shall be the aggregate of the following sums, that is to say

Compensation in respect of taking space or accommodation in ships and aircraft.

(a) a sum equal to the amount which might reasonably be expected to be payable for the use of that space or accommodation during the period for which it is at the disposal of the authority by virtue of that requirement, no account being taken of any appreciation of values due to the emergency, and

(b) a sum equal to the amount of any expenses reasonably incurred, otherwise than on behalf of the Governor of the Colony, for the purpose of compliance with any directions given on behalf of the Governor of the Colony in connection with the said requirement.

(2) Any compensation under paragraph (a) of the preceding subsection shall be considered as accruing due from day to day during the period for which the space or accommodation remains at the disposal of the authority at whose disposal it was required to be placed, and be apportionable in respect of time accordingly, and shall be paid to the person who, at the time when compensation accrues due, is the owner of the ship or aircraft; but this subsection shall not operate so as to require the making of any payment before the end of the said period.

(3) Where, on the day on which any compensation accrues due by virtue of paragraph (a) of subsection (1) of this section, a person other than the owner of the ship or aircraft is, by virtue of a subsisting charter or contract of hiring, entitled to possession of, or to use, the ship or aircraft, or is, by virtue of a subsisting contract, the person who would be entitled to use the space or accommodation but for the requirement in respect of which the compensation is payable, the person to whom the compensation is paid shall be deemed to receive it as a trustee for the first mentioned person.

(4) Any compensation under paragraph (b) of subsection (1) of this section shall accrue due at the time when the expenses in respect of which the compensation is payable are incurred, and shall be paid to the person by whom or on whose behalf those expenses were incurred.

7. (1) Subject to the provisions of the next following subsection, the compensation payable under this Ordinance in respect of the requisition or acquisition of any goods shall be a sum equal to the price which the person who, immediately before the requisition or acquisition, was the owner of the goods might reasonably have

Compensation in respect of requisition or acquisition of goods other than vessels, vehicles and aircraft.

been expected to obtain upon a sale of the goods effected by, regard being had to the condition of the goods at the time and no account being taken of any appreciation in the value of the goods due to the emergency.

(2) Any compensation under the preceding sub-section shall not

(a) in a case where the owner of the goods immediately before the requisition or acquisition, was a person who had produced the goods with a view to the sale thereof, exceed the aggregate of

(i) the cost reasonably incurred by that person in producing the goods, and

(ii) the profit which he might reasonably have been expected to make on a sale of the goods effected by him immediately before the requisition or acquisition, or

(b) in a case where the owner of the goods, immediately before the requisition or acquisition, was some person other than the producer of the goods, and the goods had been bought by that person with a view to the sale thereof, exceed the aggregate of

(i) the price which it was reasonable for him to pay for the goods when they were so bought by him, and

(ii) the profit which he might reasonably have been expected to make on a sale of the goods effected by him immediately before the requisition or acquisition;

and, in assessing such compensation in any other case, no account shall be taken of any profit which might be expected to be made on a sale of the goods:

Provided that if, at the time when any goods are requisitioned or acquired on behalf of the Governor of the Colony in the exercise of emergency powers, the price or maximum price at which such goods may be sold is fixed by law, this subsection shall not be taken to authorise the assessment, by way of compensation under the preceding subsection in respect of the requisition or acquisition, a sum exceeding that price or maximum price, as the case may be.

In the preceding provisions of this subsection the reference to a person who had produced the goods with a view to the sale thereof, and the reference to the producer of the goods, shall be construed as including a reference to his personal representative or any person carrying on business in succession to him by virtue of any assignment or transmission by operation of law.

(3) The compensation payable under this Ordinance in respect of the requisition or acquisition of any goods shall include a sum equal to the amount of any expenses reasonably incurred, otherwise than on behalf of the Governor of the Colony, for the purpose of compliance with any directions given on behalf of the Governor of the Colony in connection with the requisition or acquisition.

(4) Any compensation under subsection (1) of this section shall accrue due at the time of the requisition or acquisition of the goods, and shall, subject to the following provisions of this Ordinance, be paid to the person who is then the owner of the goods.

(5) Any compensation under subsection (3) of this section shall accrue due at the time when the expenses in respect of which the compensation is payable are incurred and shall be paid to the person by whom or on whose behalf those expenses were incurred.

TRIBUNALS FOR DETERMINING DISPUTES.

8. Any dispute as to whether any compensation is payable under this Ordinance, or as to the amount of any compensation so payable, shall, in default of agreement, be referred to, and determined by, the appropriate tribunal constituted under the following provisions of this Ordinance, and the decision of that tribunal shall be final:

Determination of claims by tribunals in default of agreement.

Provided that at any stage in proceedings before it the tribunal may, and, if so directed by the Supreme Court, shall, state in the form of a special case for the opinion of that Court any question of law arising in the course of the proceedings.

9. (1) For the purpose of determining disputes as to the payment of compensation under this Ordinance in respect of the requisition or acquisition of vessels or the taking of space or accommodation therein, there shall be a Shipping Claims Tribunal (hereinafter referred to as "the Shipping Tribunal"), consisting of a president and two other members appointed by the Governor.

Constitution of tribunals.

(2) The president and one of the other members of the Shipping Tribunal shall be members who appear to the Governor to have a special knowledge of commercial and admiralty law; and the third member of the Tribunal shall be a person appearing to the Governor to have a special qualifications as an average adjuster or accountant.

(3) For the purpose of determining disputes as to the payment of compensation under this Ordinance, other than disputes which by virtue of the preceding provisions of this Ordinance are to be determined by the Shipping Tribunal, there shall be a General Claims Tribunal (hereinafter referred to as "the General Tribunal"), consisting of not less than five persons appointed by the Governor.

10. (1) Each of the tribunals constituted under this Ordinance shall have the following powers, that is to say

Incidental powers of tribunals.

(a) to make, with the concurrence of the Governor rules prescribing the procedure for notifying, presenting and hearing claims and all matters incidental thereto;

(b) to order persons to attend and give evidence and to produce and give discovery and inspection of documents, in like manner as in proceedings in the Supreme Court;

(c) to award and assess, or direct the assessment of, such sums by way of costs as the tribunal in its discretion thinks just, and in particular to award costs to an unsuccessful claimant where such an award appears to the tribunal to be justified on the merits of the case;

(d) to call in the aid of one or more assessors specially qualified, and hear any claim wholly or partly with their assistance;

(e) to appoint an expert or experts to report on any matter material to the hearing of any claim;

(f) to determine, subject to the approval of the Governor, the remuneration, if any, of such assessors and experts.

(2) Rules made in pursuance of paragraph (a) of the preceding subsection may contain provisions authorising a tribunal to take into consideration any matter which the tribunal considers relevant to the subject of the inquiry before it, notwithstanding that the matter is not admissible in evidence under the law relating to evidence.

(3) The Supreme Court shall have, for the purposes of and in relation to any proceedings under this Ordinance, the same power of making orders in respect of any of the matters specified in paragraph (b) of subsection (1) of this section as it has for the purpose of and in relation to any action or matter in that Court.

GENERAL AND SUPPLEMENTARY PROVISIONS.

Interest on Compensation.

11. Any compensation under this Ordinance shall carry interest, as from the date on which it accrues due until payment, at such rate not exceeding five per cent per annum as the Governor may from time to time by order prescribe.

Limitation of time for claiming compensation.

12. No claim for any compensation under this Ordinance shall be entertained unless notice of the claim has, in such form and manner as may be prescribed been given to the prescribed authority within the period of six months, or such longer period as the Governor may, either generally or in relation to any particular claim or class of claims, allow, beginning in either case with the date on which the compensation accrues due or the date of the passing of this Ordinance, whichever is the later.

Exclusion of compensation under the Ordinance in certain cases.

13. (1) No person shall, by virtue of this Ordinance be entitled to compensation in respect of the acquisition on behalf of the Governor of the Colony of any currency, gold or securities.

(2) No compensation shall, by virtue of this Ordinance be payable to any person in respect of any loss of, or damage to property, if and so far as that person has become entitled, apart from the provisions of this Ordinance, to recover any sum by way of damages or indemnity in respect of that loss or damage or is, at the time of the occurrence of the loss or damage, required under any contract with the Crown to be insured in respect thereof.

Provisions as to property subject to hire-purchase agreements.

14. In a case where any property in respect of the requisition or acquisition of which compensation is required by the preceding provisions of this Ordinance to be paid to the person who is the owner of the property immediately before the requisition or acquisition, is then in the possession of some other person by virtue of a hire-purchase agreement that person may, by a notice given in the prescribed form and manner to the prescribed authority, within the period limited by this Ordinance in relation to the making of any claim by the owner for payment of the compensation, make a claim to have apportioned to him such part of the compensation as may be specified in his claim; and, in default of agreement between the parties, the last mentioned claim shall be referred to the tribunal constituted under this Ordinance which has jurisdiction in the matter of any such claim by the owner, and thereupon that tribunal may apportion the compensation between the owner and the other person in such manner as appears to it to be just.

Provisions as to property subject to mortgages.

15. Where any sum by way of compensation is paid in accordance with any provisions of this Ordinance requiring compensation to be paid to the owner of any property, then if at the time when the compensation accrues due, the property is subject to any mortgage, pledge, lien or other similar obligation, the sum so paid shall be deemed to be comprised in that mortgage, pledge, lien or other obligation.

Compensation payable apart from the Ordinance.

16. The provisions of this Ordinance shall be without prejudice to any agreement for the making of any payment (whether by way of compensation or otherwise) in respect of the doing of anything on behalf of the Governor of the Colony in the exercise of emergency powers; but, where compensation in respect of the doing of anything as aforesaid would, apart from this section, be payable

both under this Ordinance and under some other enactment or rule of law, then, subject to any such agreement as aforesaid, the compensation shall be payable in accordance with this Ordinance and not otherwise.

17. Any notice which by this Ordinance is required or authorised to be served on any person may be served by post. Service of notices.

18. (1) In this Ordinance the following expressions have the meanings hereby respectively assigned to them, that is to say Interpretation.

"agricultural land" means any land used as arable, meadow or pasture land, land used for a plantation or land used for the purpose of poultry farming, market gardens, nursery grounds, or allotments, including allotment gardens within the meaning of the Allotments Act, (United Kingdom), 1922;

"aircraft" means any flying machine, glider or airship or any balloon (whether fixed or free);

"the emergency" means the emergency that was the occasion of the passing of this Ordinance;

"emergency powers" means any power conferred by

(a) regulations made under the Emergency Powers (Defence) Act, (United Kingdom), 1939, as part of the law of the Colony.

(b) section two of the Lighting Control Ordinance, 1938, or

(c) section two (1) of the Emergency Powers Ordinance, 1939, or

(d) section two (1) of the Export and Imports (Emergency Powers) Ordinance, 1939, or any power exercisable by virtue of the prerogative of the Governor;

"exercise" includes purported exercise;

"fair wear and tear", in relation to any property possession of which is taken on behalf of the Governor of the Colony or which is requisitioned on behalf of the Governor of the Colony, means such wear and tear as might have been expected to occur but for the fact that possession of the property was so taken or that the property was so requisitioned, as the case may be;

"goods" means chattels other than vessels, vehicles and aircraft;

"the Supreme Court" means the Supreme Court of the Colony of the Falkland Islands;

"hire-purchase agreement" has the same meaning as in the Hire Purchase Act, United Kingdom, 1938;

"land" includes (without prejudice to any of the provisions of section twenty-eight of the Interpretation and General Law Ordinance, 1900) land covered with water, and parts of houses or buildings;

"owner" means -

(a) in relation to land, the person who is receiving the rackrent of the land, whether on his own account or as agent or trustee for any other person, or who would so receive the rackrent of the land if it were let at a rackrent, or

(b) in relation to any property other than land, the person entitled to sell the property, it being assumed not to be subject to any mortgage, pledge, lien or other similar obligation;

and in this definition the expression "rackrent" has the same meaning as in the Public Health Act, (United Kingdom), 1936;

"prescribed" means prescribed by rules made by the Governor;

"requisition" means, in relation to any property, take possession of the property or require the property to be placed at the disposal of the requisitioning authority;

"ship" and "vessel" have respectively the same meanings as in the Merchant Shipping Act, 1894; and

"war operations" means action taken by an enemy, or action taken in combating an enemy or in repelling an imagined attack by an enemy.

(2) For the purposes of this Ordinance, the doing of work shall, in relation to any land, be deemed to include the demolition, pulling down, destruction or rendering useless of anything placed in, on or over that land the maintenance of any work or thing in, on or over the land, and the removal from the land of anything so placed, demolished or pulled down in the exercise of emergency powers.

Passed by the Legislative Council this 10th day of March, 1942.

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

Assented to by the Governor and given under the Public Seal of the Colony this 13th day of March, 1942.

A. I. FLEURET,
for Colonial Secretary.

FALKLAND ISLANDS :

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[L.S.]



FALKLAND ISLANDS.

Ordinance No. 6 of 1942.

I ASSENT,

A. W. CARDINALL,

Governor.

13th March, 1942.

An Ordinance To amend the Live Stock Ordinance, 1901.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows :— Enacting Clause.

1. This Ordinance may be cited as the Live Stock (Amendment) Ordinance, 1942, and shall be read and construed with the Live Stock Ordinance, 1901. (hereinafter referred to as the Principal Ordinance). Short Title.

2. Section 28 of the Principal Ordinance is hereby repealed and replaced by the section following:— Amendment of Section 28 of Ordinance No. 6 of 1901.

28. Between the 1st day of March and the 30th day of June in every year, every owner shall dip or cause to be dipped with an insecticidal dip approved by an Inspector all sheep running on land whereof he is the occupier:

Provided that for purposes previously approved in writing by the Inspector, the Inspector may advance or extend the period during which sheep must be dipped but so that all sheep, excepting those used for experimental dipping, must be dipped before the 31st October or before they are mixed with another flock that has been dipped since the 1st of March, whichever is the earlier.

Any person who contravenes the provisions of this section shall be liable to a fine not exceeding two shillings for every sheep.

Passed by the Legislative Council this 10th day of March, 1942.

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

Assented to by the Governor and given under the Public Seal of the Colony this 13th day of March, 1942.

A. I. FLEURET,
for Colonial Secretary.

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[L.S.]



FALKLAND ISLANDS.

Ordinance No. 7 of 1942.

I ASSENT,

A. W. CARDINALL,

Governor.

30th November, 1942.

An Ordinance

To legalise certain payments made in the year One thousand Nine hundred and Forty-one in excess of the Expenditure sanctioned by Ordinance No. 7 of 1940.

WHEREAS it is expedient to make further provision for the service of the Colony for the year 1941. Preamble.

BE IT THEREFORE ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:— Enacting Clause.

1. This Ordinance may be cited for all purposes as the Supplementary Appropriation (1941) Ordinance, 1942. Short Title.

2. The sums of money set forth in the Schedule hereto having been expended for the services therein mentioned beyond the amounts granted for those services by the Ordinance providing for the service of the year One Thousand nine hundred and forty-one, the same are hereby declared to have been duly laid out and expended for the service of the Colony in that year, and are hereby approved, allowed and granted in addition to the sums mentioned for those services in the said Ordinance. Appropriation of excess expenditure for the year 1941.

Passed by the Legislative Council this 26th day of November, 1942.

L. W. ALDRIDGE,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 30th day of November, 1942.

KENNETH BRADLEY,

Colonial Secretary.

SCHEDULE.

Number.	Head of Service.	Amount.		
		£	s.	d.
FALKLAND ISLANDS.				
I.	Pensions	1314	2	8
II.	The Governor	80	19	10
IV.	Treasury & Customs	370	2	7
VI.	Post Office	250	5	7
VII.	Electrical and Telegraphs	243	11	7
IX.	Legal	290	9	1
XV.	Naturalist	43	4	4
XVII.	Miscellaneous	1169	8	6
Total Ordinary Expenditure		£ 3762	4	2

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 8 of 1942.

I ASSENT,

A. W. CARDINALL,

Governor.

30th November, 1942.

An Ordinance.

To amend the Licensing Ordinance, 1882.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

Enacting Clause.

1. This Ordinance may be cited as the "Licensing (Amendment) Ordinance, 1942", and shall be read and construed with the Licensing Ordinance, 1882, (hereafter referred to as the Principal Ordinance).

Short Title.

2. Section 17 of the Principal Ordinance is hereby amended by the deletion of the words "It shall be lawful for the Police Magistrate if he shall consider it conducive to public convenience, to" and the substitution therefor of the words "The Magistrate may, at his discretion,".

Amendment of Section 17 of Ordinance No. 11 of 1882.

Passed by the Legislative Council this 26th day of November, 1942.

L. W. ALDRIDGE,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 30th day of November, 1942.

KENNETH BRADLEY,

Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 9 of 1942.

I ASSENT,

A. W. CARDINALL,

Governor.

30th November, 1942.

An Ordinance

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

BE IT ENACTED by the Governor of the Colony of the
Falkland Islands, with the advice and consent of the Legislative
Council thereof as follows:—

Enacting Clause.

1. Notwithstanding any provisions to the contrary contained
in the Tariff Ordinance, 1900, as amended by the Tariff (Export
Duties) Amendment Ordinances, 1923 and 1924, the duty of
Customs to be raised, levied and collected upon whale oil and upon
seal oil which shall be raised in the Colony or in the Dependencies
thereof during the 1942-43 whaling season and during the 1943
sealing season shall be fixed at the rate of one shilling and sixpence
for each barrel of forty gallons.

Rate of duty on export
of Whale and Seal oil
during the 1942-1943
whaling season and
1943 sealing season.

2. This Ordinance may be cited as the "Tariff (Export
Duties) Amendment Ordinance, 1942" and shall be read and con-
strued as one with the Tariff (Export Duties) Amendment Ordinan-
ces, 1923 and 1924.

Short Title.

Passed by the Legislative Council this 26th day of
November, 1942.

L. W. ALDRIDGE,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public
Seal of the Colony this 30th day of November, 1942.

KENNETH BRADLEY,

Colonial Secretary.

FALKLAND ISLANDS :

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[L.S.]



FALKLAND ISLANDS.

Ordinance No. 10 of 1942.

I ASSENT,

A. W. CARDINALL,

Governor.

30th November, 1942.

An Ordinance

To amend the Conspiracy Ordinance, 1896.

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

Enacting Clause.

1. This Ordinance may be cited as the "Conspiracy (Amendment) Ordinance, 1942, and shall be read and construed with the Conspiracy Ordinance, 1896, (hereinafter referred to as the Principal Ordinance).

Short Title.

2. Section 1 and Section 4 of the Principal Ordinance are hereby repealed.

Repeal of Section 1 and Section 4 of Ordinance No. 2 of 1896.

Passed by the Legislative Council this 26th day of November, 1942.

L. W. ALDRIDGE,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 30th day of November, 1942.

KENNETH BRADLEY,

Colonial Secretary.

FALKLAND ISLANDS :

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[L.S.]



FALKLAND ISLANDS.

Ordinance No. 11 of 1942.

I ASSENT,

A. W. CARDINALL,

Governor.

30th November, 1942.

An Ordinance

To provide for the service of the year 1943.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

Enacting Clause.

1. This Ordinance may be cited for all purposes as "the Appropriation (1943) Ordinance, 1942".

Short Title.

2. The Governor may cause to be issued out of the Public Revenue and other funds of the Colony and applied to the service of the year ending the 31st December, 1943, a sum not exceeding One hundred and eight thousand One hundred and Ninety-five pounds, which sum is granted and shall be appropriated for the purposes and to defray the charges of the several services expressed and particularly mentioned in the Schedule hereto which will come in course of payment during the year 1943.

Appropriation of £108,195 for service of year 1943.

Passed by the Legislative Council this 26th day of November, 1942.

L. W. ALDRIDGE,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 30th day of November, 1942.

KENNETH BRADLEY,

Colonial Secretary.

SCHEDULE.

Number.	Head of Service.	Amount.		
		£	s.	d.
FALKLAND ISLANDS.				
I.	Pensions	3500	0	0
II.	The Governor	2545	0	0
III.	Colonial Secretary	2856	0	0
IV.	Treasury and Customs	2257	0	0
V.	Audit	8	0	0
VI.	Post Office	6087	0	0
VII.	Electrical and Telegraphs	5477	0	0
VIII.	Harbour	1100	0	0
IX.	Legal	1101	0	0
X.	Police and Prisons	1200	0	0
XI.	Medical	6749	0	0
XII.	Education	4109	0	0
XIII.	Ecclesiastical	289	0	0
XIV.	Naturalist	562	0	0
XV.	Military	843	0	0
XVI.	Agriculture	7703	0	0
XVII.	Miscellaneous	4872	0	0
XVIII.	Public Works	3442	0	0
XIX.	Public Works Recurrent	7820	0	0
Total Ordinary Expenditure		£ 62520	0	0
XX.	Public Works Extraordinary	595	0	0
XXI.	Military War Expenditure	27005	0	0
XXII.	Land Sales Fund	1281	0	0
Total Expenditure chargeable to Revenue		£ 91401	0	0
DEPENDENCIES.				
I.	Ordinary Expenditure	13794	0	0
II.	Military War Expenditure	3000	0	0
Total		£ 108195	0	0

PART II.

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FALKLAND ISLANDS.

No. 1.

Proclamation

1942.

Declaration of War.

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

A. W. CARDINALL.

*By His Excellency ALLAN WOLSEY CARDINALL,
ESQUIRE, Companion of the Most Distinguished
Order of Saint Michael and Saint George,
Governor and Commander-in-Chief in and
over the Colony of the Falkland Islands and
its Dependencies and Vice Admiral thereof.*

[L.S.]

I, ALLAN WOLSEY CARDINALL, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief and Vice Admiral of the Colony of the Falkland Islands and its Dependencies, do hereby proclaim that as from the 13th of December, 1941, a state of war exists between His Majesty the King and Bulgaria.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 3rd day of January, in the Year of Our Lord One thousand Nine hundred and forty-two.

By His Excellency's Command,

A. I. FLEURET,

for Colonial Secretary.

M.P. 114/41.

No. 2. Proclamation 1942.

Institution of Prize Court.

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

A. W. CARDINALL. *By His Excellency ALLAN WOLSEY CARDINALL, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies and Vice Admiral thereof.*

[L.S.]

I, ALLAN WOLSEY CARDINALL, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief and Vice Admiral of the Colony of the Falkland Islands and its Dependencies, do hereby proclaim that a state of war exists between His Majesty the King and Bulgaria, and do hereby notify, declare and make known that the Supreme Court of the Falkland Islands is a Prize Court to take cognizance of and judicially to proceed upon all and all manner of Captures, Recaptures, Seizures, Prizes and reprisals of all Ships, Vessels and Goods seized and taken which are or shall be brought within the limits of the said Court.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 12th day of January, in the Year of Our Lord One thousand Nine hundred and forty-two.

By His Excellency's Command,

A. I. FLEURET,

for Colonial Secretary.

M.P. S/32/39.

FALKLAND ISLANDS.

No. 3. Proclamation 1942.

Declaration of War.

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

A. W. CARDINALL. *By His Excellency ALLAN WOLSEY CARDINALL, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies and Vice Admiral thereof.*

[L.S.]

I, ALLAN WOLSEY CARDINALL, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief and Vice Admiral of the Colony of the Falkland Islands and its Dependencies, do hereby proclaim that as from 6 a.m. British Summer time 25th of January, 1942, a state of war exists between His Majesty the King and Thailand.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 6th day of February, in the Year of Our Lord One thousand Nine hundred and forty-two.

By His Excellency's Command,

A. I. FLEURET,

for Colonial Secretary.

M.P. 114/41.

No. 4. Proclamation 1942.

Institution of Prize Court.

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

A. W. CARDINALL. *By His Excellency ALLAN WOLSEY CARDINALL, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies and Vice Admiral thereof.*

[L.S.]

I, ALLAN WOLSEY CARDINALL, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief and Vice Admiral of the Colony of the Falkland Islands and its Dependencies, do hereby proclaim that a state of war exists between His Majesty the King and Thailand, and do hereby notify, declare and make known that the Supreme Court of the Falkland Islands is a Prize

Court to take cognizance of and judicially to proceed upon all and all manner of Captures, Recaptures, Seizures, Prizes and reprisals of all Ships, Vessels and Goods seized and taken which are or shall be brought within the limits of the said Court.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 12th day of February, in the Year of Our Lord One thousand Nine hundred and forty-two.

By His Excellency's Command,

A. I. FLEURET,

for Colonial Secretary.

M.P. S/32/39.

No. 5. Proclamation 1942.

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

A. W. CARDINALL. *By His Excellency ALLAN WOLSEY CARDINALL, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.*

[L.S.]

WHEREAS by certain Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the 25th day of February, 1892, constituting the office of Governor and Commander-in-Chief in and over the Colony of the Falkland Islands, it was amongst other things declared that there should be an Executive Council in and for the said Colony which should consist of such persons as should be directed under the Royal Sign Manual and Signet.

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

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

JAMES GORDON GIBBS, Esq., M.Agr., Sc. Ph.D. (Minn.), Dip. Agr., (Linc., N.Z.) to be a member of the Executive Council for a period of one year with effect from the 18th of February, 1942.

GOD SAVE THE KING.

Given at Government House, Stanley, this 18th day of February, in the Year of Our Lord One thousand Nine hundred and Forty-two.

By His Excellency's Command,

A. I. FLEURET,

for Colonial Secretary.

M.P. P/235.

FALKLAND ISLANDS.

No. 6. Proclamation 1942.

To prohibit exportation of certain articles.

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

A. W. CARDINALL. *By His Excellency ALLAN WOLSEY CARDINALL, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.*

[L.S.]

Under the power and authority in me vested by Section 2 of the Exports and Imports (Emergency Powers) Ordinance, 1939, I do hereby prohibit the exportation of all foodstuffs, clothing, including footwear, and textile materials.

Provided always that this shall not apply to clothing, footwear and textile materials the *bona-fide* effects of persons leaving the Colony, and that this prohibition shall not apply to any exportation (or shipment as ship's stores) which shall be expressly permitted by a licence given by the Competent Authority and in accordance with the conditions (if any) of such licence.

GOD SAVE THE KING.

Given at Government House, Stanley, this 23rd day of June, in the Year of Our Lord One thousand Nine hundred and Forty-two.

By His Excellency's Command,

L. W. ALDRIDGE,

for Colonial Secretary.

M.P. S/43A/39.

FALKLAND ISLANDS.

No. 7.

Proclamation

1942.

To prohibit exportation of certain articles.

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

A. W. CARDINALL.

[L.S.]

*By His Excellency ALLAN WOLSEY CARDINALL,
ESQUIRE, Companion of the Most Distinguished
Order of Saint Michael and Saint George,
Governor and Commander-in-Chief in and
over the Colony of the Falkland Islands and
its Dependencies, &c., &c., &c.*

Under the power and authority in me vested by Section 2 of the Exports and Imports (Emergency Powers) Ordinance, 1939, I do hereby prohibit the exportation or shipment as ships stores of the following articles:—

Chemicals & chemical preparations.
Clothing (including footwear).
Foodstuffs.
Glass & Earthenware.
Oils, Polish &c.
Paint.

Seeds.
Soap & Soap powders.
Textile materials (excluding bagging).
Toilet preparations.
Toys.

Provided always that this shall not apply to *bona fide* effects of persons leaving the Colony or to any exportation or shipment as ships stores which shall be expressly permitted by a licence given by the Competent Authority and in accordance with the conditions (if any) of such licence.

Proclamation No. 6 of 1942, dated the 23rd day of June, 1942, is hereby cancelled.

GOD SAVE THE KING.

Given at Government House, Stanley, this 23rd day of November, in the Year of Our Lord One thousand Nine hundred and Forty-two.

By His Excellency's Command,

KENNETH BRADLEY,

Colonial Secretary.

M.P. S/43A/39.

No. 8.

Proclamation

1942.

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

A. W. CARDINALL. *By His Excellency ALLAN WOLSEY CARDINALL, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.*

[L.S.]

WHEREAS by certain Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the 25th day of February, 1892, constituting the office of Governor and Commander-in-Chief in and over the Colony of the Falkland Islands, it was amongst other things declared that there should be an Executive Council in and for the said Colony which should consist of such persons as should be directed under the Royal Sign Manual and Signet.

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

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

LIEUTENANT-COLONEL JAMES AUSTEN WOODGATE, A.R.I.B.A.,

to be a member of the Executive Council for a period of one year with effect from the 1st of December, 1942.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 1st day of December, in the Year of Our Lord One thousand Nine hundred and forty-two.

By His Excellency's Command,

KENNETH BRADLEY,

Colonial Secretary.

M.P. 81/33.

FALKLAND ISLANDS.

Order by His Excellency the Governor regarding measures for the safety of vessels in port.

No. 1 of 1942.

A. W. CARDINALL,
Governor.

Under the authority of the Emergency Powers (Defence) Act of the United Kingdom, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows.

1. After Regulation 33C of the Defence Regulations, 1939, there shall be inserted the following Regulations:-

"Measures for safety of vessels in port.

33D. (1) Any person authorised by the Governor to act under this Regulation (hereinafter in this Regulation referred to as "an authorised person") may give directions to the owner or master of any vessel which is for the time being at the port of Stanley requiring him -

(a) to take such steps as may be specified in the directions for the purpose of securing that, while the vessel remains at the port, fires occurring in the vessel as the result of hostile attack will be immediately detected and combated;

(b) to secure that, while the vessel remains at the port, either at all times or during such periods as may be so specified

(i) in a case where the vessel is equipped with a gun or other instrument or device capable of being used to defend the vessel against hostile attack, that the gun, instrument or device will be manned; and

(ii) in a case where the vessel is a ship propelled by mechanical power, that she is capable of being moved under her own power immediately when ordered to do so;

(c) for the purpose of taking such steps or securing such matters as aforesaid, to secure that such number of persons, or such number of persons of such class or description, as may be so specified shall be on board the vessel, either at all times while she remains at the port or during such periods while she so remains as may be so specified;

(d) to do or not to do such other things as may appear to the authorised officer to be necessary or expedient to do or not to do for the purpose of securing the safety of the vessel or preventing her endangering other vessels or property at the port in the event of hostile attack.

(2) Any person acting on behalf of the Governor may, in relation to any vessel, take such steps and use such force as may appear to that person to be reasonably necessary for securing compliance with any directions under this Regulation relating to a vessel, or, where an offence against this Regulation has occurred in the case of a vessel for enabling proceedings in respect of the offence to be effectually taken.

(3) The cost of taking any steps under the last foregoing paragraph in relation to a vessel for securing compliance with directions under this Regulation shall be a debt due from the owner of the vessel to the Crown, and without prejudice to any other

remedy may be recovered by an authorised person summarily as a civil debt.

(4) In this Regulation the expression 'owner', in relation to a vessel, includes the person having the management of the vessel.

Control over visitors
to ships.

33E. (1) Any person authorised by the Governor to act under this Regulation may, by directions given to the master of any ship which is for the time being at the port of Stanley, prohibit any person going on board the ship without the consent in writing of the person so authorised so long as the ship remains at the port, or during such periods while she so remains as may be specified in the directions.

(2) Any such directions may be given either generally with respect to all persons, not being officers or members of the crew of the ship or constables or servants of the Governor acting in the course of their duty as such, or with respect to any particular person or class or description of persons.

(3) If any person goes on board a ship in contravention of directions given under this Regulation, the master of the ship shall be guilty of an offence against this Regulation."

Dated this 24th day of January, 1942.

By Command,
A. I. FLEURET,
for Colonial Secretary.

M.P. S/7/39.

FALKLAND ISLANDS.

The Trading with the Enemy (Specified Persons) (Amendment) (No. 2) Order, 1942.

No. 2 of 1942.

A. W. CARDINALL,
Governor.

In pursuance of the powers vested in him by Section 3 (2) of the Trading with the Enemy Ordinance, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows:-

1. Each of the persons specified in the Schedule to the United Kingdom Trading with the Enemy (Specified Persons) (Amendment) (No. 11) Order, 1941, as varied by the Trading with the Enemy (Specified Persons) (Amendment) (No. 12) Order, 1941, the Trading with the Enemy (Specified Persons) (Amendment) (No. 13) Order, 1941, the Trading with the Enemy (Specified Persons) (Amendment) (No. 14) Order, 1941, the Trading with the Enemy (Specified Persons) (Amendment) (No. 15) Order, 1941, the Trading with the Enemy (Specified Persons) (Amendment) (No. 16) Order, 1941, and the Trading with the Enemy (Specified Persons) (Amendment) (No. 17) Order, 1941, shall be deemed to be an enemy during such period as this Order shall in relation to such persons remain in force.

2. The Trading with the Enemy (Specified Persons) (Amendment) (No. 1) Order, 1942, of the 3rd of January, 1942, is hereby revoked.

3. This Order may be cited as "The Trading with the Enemy (Specified Persons) (Amendment) (No. 2) Order, 1942", and shall come into operation on the 27th day of January, 1942.

Dated this 27th day of January, 1942.

By Command,
A. I. FLEURET,
for Colonial Secretary.

M.P. S./10/39.

(N.B.—The Schedule referred to above can be seen on application at the Colonial Secretary's Office.)

FALKLAND ISLANDS.

Order by His Excellency the Governor amending the Defence Regulations, 1939.

No. 3 of 1942.

A. W. CARDINALL,
Governor.

Under the authority of the Emergency Powers (Defence) Act of the United Kingdom, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows:—

1. The following Regulation shall be substituted for Regulation 16 of the Defence Regulations, 1939 (hereinafter referred to as the Principal Regulations).

"Power of Governor to terminate Military appointments.

16. If it appears to the Governor necessary or expedient so to do in the interests of the public safety, the defence of the Colony or the efficient prosecution of any war in which His Majesty may be engaged it shall be lawful for the Governor at any time with or without prior notice or reason assigned to terminate any engagement or appointment of any person under the Defence Force Ordinance, 1920, as amended by subsequent enactments or any other engagement or appointment made by him or on his authority of a person to perform military duties in the Colony."

2. Regulation 16 of the Principal Regulations shall be re-numbered 16A.

Dated this twenty-fourth day of February, 1942.

By Command,

A. I. FLEURET,
for Colonial Secretary.

M.P. S/7/39.

The Trading with the Enemy (Specified Persons) (Amendment) (No. 3) Order, 1942.

No. 4 of 1942.

A. W. CARDINALL,
Governor.

In pursuance of the powers vested in him by Section 3 (2) of the Trading with the Enemy Ordinance, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows:—

1. Each of the persons specified in the Schedule to the United Kingdom Trading with the Enemy (Specified Persons) (Amendment) (No. 19) Order, 1941, as varied by the Trading with the Enemy (Specified Persons) (Amendment) (No. 20) Order, 1941, shall be deemed to be an enemy during such period as this Order shall in relation to such persons remain in force.

2. The Trading with the Enemy (Specified Persons) (Amendment) (No. 2) Order, 1942, of the 27th of January, 1942, is hereby revoked.

3. This Order may be cited as "The Trading with the Enemy (Specified Persons) (Amendment) (No. 3) Order, 1942", and shall come into operation on the 24th day of February, 1942.

Dated this 24th day of February, 1942.

By Command,

A. I. FLEURET,
for Colonial Secretary.

M.P. S/10/39.

(N.B.—The Schedule referred to above can be seen on application at the Colonial Secretary's Office.)

FALKLAND ISLANDS.

Falkland Islands Defence Regulations.

Order declaring a certain Area in the Colony to be a Protected Area.

A. W. CARDINALL.

Governor.

No. 5 of 1942.

Under Regulation No. 28 of the Falkland Islands Defence Regulations, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows :—

1. That the whole area of land lying east of a line from Strike Off Point on Berkeley Sound proceeding southward along the west boundary fence of Moody Valley Farm to Port Harriet is a protected area.

2. Entry into and exit from this area is prohibited without special authorization. Such authorization may be obtained from a magistrate, doctor or manager outside the area for persons desirous of visiting Stanley, and for persons desirous of leaving Stanley from the Officer Commanding Troops or Magistrate of Port Stanley.

3. Exceptions to this prohibition are

- By Sea. (a) Crews and passengers from over-seas.
- (b) Crews of vessels engaged in inter-insular traffic.
- By Land. (c) Persons requiring medical or hospital treatment provided with a certificate to that effect or on instructions from the Senior Medical Officer.
- (d) Members of His Majesty's forces on duty or in uniform.
- (e) All persons engaged on their normal business such as : managers, shepherds, drovers.
- (f) Government Officials on duty.

Dated this twentieth day of March, 1942.

By Command,

L. W. ALDRIDGE,

for Colonial Secretary.

M.P. 208/38.

FALKLAND ISLANDS.

The Trading with the Enemy (Specified Persons) (Amendment) (No. 4) Order, 1942.

No. 6 of 1942.

A. W. CARDINALL,
Governor.

In pursuance of the powers vested in him by Section 3 (2) of the Trading with the Enemy Ordinance, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows:—

1. Each of the persons specified in the Schedule to the United Kingdom Trading with the Enemy (Specified Persons) (Amendment) (No. 21) Order, 1941, as varied by the Trading with the Enemy (Specified Persons) (Amendment) (No. 22) Order, 1941, and the Trading with the Enemy (Specified Persons) (Amendment) (No. 1) Order, 1942, shall be deemed to be an enemy during such period as this Order shall in relation to such persons remain in force.

2. The Trading with the Enemy (Specified Persons) (Amendment) (No. 3) Order, 1942, of the 24th of February, 1942, is hereby revoked.

3. This Order may be cited as "The Trading with the Enemy (Specified Persons) (Amendment) (No. 4) Order, 1942", and shall come into operation on the 20th day of April, 1942.

Dated this 20th day of April, 1942.

By Command,

L. W. ALDRIDGE,

for Colonial Secretary.

M.P. S/10/39.

(N.B.—The Schedule referred to above can be seen on application at the Colonial Secretary's Office.)

FALKLAND ISLANDS.

Order by His Excellency the Governor amending the Defence Regulations, 1939.

A. W. CARDINALL,
Governor.

No. 7 of 1942.

Under the authority of the Emergency Powers (Defence) Act of the United Kingdom, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows :-

1. The following Regulation shall be substituted for Regulation 17A of the Defence Regulations, 1939, (hereinafter referred to as the Principal Regulations).

2. The Governor may, if he thinks fit, make an Order (in this Regulation referred to as a deportation Order) requiring an alien to leave and to remain thereafter out of the Colony. Deportation of Aliens.

3. Where a deportation Order has been made with respect to any alien, and, in the opinion of the Governor

(a) the deportation of the alien would be impracticable or prejudicial to the efficient prosecution of any war in which His Majesty may be engaged, and

(b) the detention of the alien is necessary or expedient for securing the public safety, the defence of the realm or the maintenance of public order,

the Governor may direct that the alien be detained; and an alien detained in pursuance of any such direction shall be deemed to be in legal custody and shall be detained in such manner as the Governor may direct.

4. Regulation 17A of the Principal Regulations shall be re-numbered 17B.

Dated this 23rd day of May, 1942.

By Command,

L. W. ALDRIDGE,
for Colonial Secretary.

M.P. S/17/42.

FALKLAND ISLANDS.

Order by His Excellency the Governor amending the Defence Regulations, 1939.

A. W. CARDINALL,
Governor.

No. 8 of 1942.

Under the authority of the Emergency Powers (Defence) Act of the United Kingdom, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows :—

1. Regulation 17A of the Defence Regulations, 1939, is amended by the addition thereto of the following paragraph :

Identification of Aliens in Custody.	4A. Where an Alien is in custody, any person authorised by the Governor may take all such steps as may be reasonably necessary for photographing, measuring, obtaining the finger prints of and otherwise identifying the alien in such manner as may be prescribed by the Governor.
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Dated this 5th day of June, 1942.

By Command,
L. W. ALDRIDGE,
for Colonial Secretary.

M.P. S/17/42.

The Trading with the Enemy (Specified Persons) (Amendment) (No. 5) Order, 1942.

A. W. CARDINALL,
Governor.

No. 9 of 1942.

In pursuance of the powers vested in him by Section 3 (2) of the Trading with the Enemy Ordinance, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows:—

1. Each of the persons specified in the Schedule to the United Kingdom Trading with the Enemy (Specified Persons) (Amendment) (No. 4) Order, 1942, shall be deemed to be an enemy during such period as this Order shall in relation to such persons remain in force.

2. The Trading with the Enemy (Specified Persons) (Amendment) (No. 4) Order, 1942, of the 20th of April, 1942, is hereby revoked.

3. This Order may be cited as "The Trading with the Enemy (Specified Persons) (Amendment) (No. 5) Order, 1942", and shall come into operation on the 9th day of June, 1942.

Dated this 9th day of June, 1942.

By Command,
L. W. ALDRIDGE,
for Colonial Secretary.

M.P. S/10/39.

(N.B.—The Schedule referred to above can be seen on application at the Colonial Secretary's Office.)

Order by His Excellency the Governor amending the Defence Regulations, 1939.

A. W. CARDINALL,
Governor.

No. 10 of 1942.

Under the authority of the Emergency Powers (Defence) Act of the United Kingdom, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows :—

1. Paragraph 4 of Regulation 17A of the Defence Regulations, 1939, is amended by the addition of the words "and Regulation 17B shall be renumbered 17C" after the words "shall be renumbered 17B".

2. Regulation 17A of the Defence Regulations, 1939, is amended by the addition of the following paragraph :—

5. Where the Governor has reason to believe or cause to believe any alien on board an alien vessel or aircraft arriving in the Colony has recently been concerned in acts prejudicial to public safety, to Defence, or to efficient prosecution of the war, or in preparation or instigation of such acts, he may order such alien to be removed from such vessel or aircraft and detained. Whilst so detained such alien shall be deemed to be in lawful detention.

Dated this 30th day of June, 1942.

By Command,
L. W. ALDRIDGE,
for Colonial Secretary.

M.P. S/17/42.

Leave and Passage (Amendment) Regulations, 1942.

A. W. CARDINALL,
Governor.

Amendment of Regulation No. 3 of Leave and Passage (Amendment) Regulations, 1938.

1. Sub-section (2) of Regulation 3 of the Leave and Passage (Amendment) Regulations, 1938, is hereby amended by the addition thereto of the following Proviso :

"Provided that the Governor may, as a special measure, grant definite or indefinite extension of such periods".

Date of operation.

2. This Regulation shall have effect as from the 26th day of January, 1942.

Dated this 30th day of June, 1942.

By Command,
L. W. ALDRIDGE,
for Colonial Secretary.

M.P. 115/33.

FALKLAND ISLANDS.

Order by His Excellency the Governor amending the Defence Regulations, 1939.

A. W. CARDINALL,
Governor.

No. 11 of 1942.

Under the authority of the Emergency Powers (Defence) Act of the United Kingdom, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows :—

1. The following Regulation shall be substituted for Regulation 17 of the Defence Regulations, 1939, as amended by the Defence (Amendment) Regulations, 1940.

Detention orders.

17. (1) If the Governor has reasonable cause to believe any person to be of hostile origin or associations, or to have been recently concerned in acts prejudicial to the public safety or the defence of the realm, or in the preparation or instigation of such acts, and that by reason thereof it is necessary to exercise control over him, he may make an order against that person directing that he be detained.

(1A). If the Governor has reasonable cause to believe any person to have been or to be a member of, or to have been or to be active in the furtherance of the objects of, any such organisation as is hereinafter mentioned, and that it is necessary to exercise control over him, he may make an order against that person directing that he be detained.

The organisations hereinbefore referred to are any organisation as respects which the Governor is satisfied that either

- (a) the organization is subject to foreign influence or control, or
- (b) the persons in control of the organisation have or have had associations with persons concerned in the government of, or sympathies with the system of government of, any Power with which His Majesty is at war,

and in either case that there is danger of the utilisation of the organisation for purposes prejudicial to the public safety, the defence of the realm, the maintenance of public order, the efficient prosecution of any war in which His Majesty may be engaged, or the maintenance of supplies or services essential to the life of the community.

(1B). If the Governor has reasonable cause to believe :—

- (a) that the recent conduct of any person for the time being in an area to which this paragraph applies, or any words recently written or spoken by such a person expressing sympathy with the enemy, indicates or indicate that that person is likely to assist the enemy; and
- (b) that by reason thereof it is necessary to exercise control over that person;

he may make an order against that person directing that he be detained.

The Governor may by order apply this paragraph to any area to which he thinks it necessary or expedient that this paragraph should apply, having regard to any actual or immediately apprehended enemy action.

(2) At any time after an order has been made against any person under this Regulation, the Governor may direct that the operation of the order be suspended subject to such conditions :—

- (a) prohibiting or restricting the possession or use by that person of any specified articles;
- (b) imposing upon him such restrictions as may be specified in the direction in respect of his employment

or business, in respect of the place of his residence, and in respect of his association or communication with other persons;

- (c) prohibiting him from being out of doors between such hours as may be so specified, except under the authority of a written permit granted by such authority or person as may be so specified;
- (d) requiring him to notify his movements in such manner, at such times, and to such authority or person as may be so specified;
- (e) prohibiting him from travelling except in accordance with permission given to him by such authority or person as may be so specified,

as the Governor thinks fit; and the Governor may revoke any such direction if he is satisfied that the person against whom the order was made has failed to observe any condition so imposed, or that the operation of the order can no longer remain suspended without detriment to the public safety or the defence of the realm.

(3) For the purposes of this Regulation, there shall be one or more advisory committees of persons appointed by the Governor; and any person aggrieved by the making of an order against him, by a refusal of the Governor to suspend the operation of such an order, by any condition attached to a direction given by the Governor or by the revocation of any such direction under the powers conferred by this Regulation may make his objections to such a committee.

(4) It shall be the duty of the Governor to secure that any person against whom an order is made under this Regulation shall be afforded the earliest practicable opportunity of making to the Governor representations in writing with respect thereto and that he shall be informed of his right, whether or not such representations are made, to make his objections to such an advisory committee as aforesaid.

(5) Any meeting of an advisory committee held to consider such objections as aforesaid shall be presided over by a chairman nominated by the Governor, and it shall be the duty of the chairman to inform the objector of the grounds on which the order has been made against him and to furnish him with such particulars as are, in the opinion of the chairman, sufficient to enable him to present his case.

(6) The Governor shall make a report to the Secretary of State for the Colonies at least once in every three months as to the action taken under this Regulation (including the number of persons detained under Orders made thereunder) and as to the number of cases, if any, in which he has declined to follow the advice of any such advisory Committee as aforesaid.

(7) If any person fails to comply with a condition attached to a direction given by the Governor under paragraph 2 of this Regulation, that person shall, whether or not the direction is revoked in consequence of the failure, be guilty of an offence against this Regulation.

(8) Any person detained in pursuance of this Regulation shall be deemed to be in lawful custody and shall be detained in such place as may be authorised by the Governor and in accordance with instructions issued by him.

Dated this 25th day of July, 1942.

By Command,

KENNETH BRADLEY,

Colonial Secretary.

FALKLAND ISLANDS.

Falkland Islands Defence (Amendment No. 2) Regulations, 1942.

A. W. CARDINALL,
Governor.

His Excellency the Governor under the authority of the Emergency Powers (Defence) Act of the United Kingdom, 1939, is pleased to order, and it is hereby ordered as follows:—

1. These Regulations may be cited as the Defence (Amendment No. 2) Regulations, 1942, and shall come into operation forthwith.

Citation and date of coming into operation.

2. The Defence Regulations, 1939, (hereinafter referred to as "the principal Regulations" shall have effect as if there were made therein the following amendment.

3. Regulation 14 of the principal Regulations is hereby revoked and replaced by the following Regulation:—

Replacement of Regulation 14 of Principal Regulations.

14.—(1) Subject to any exemptions for which provision may be made by order of the Governor, no person shall, except under the authority of a written permit:—

Control of Photography.

- (a) Make any photograph, sketch, plan or other representation of any area, or of any part of or object in such area, which may be specified by the Governor being an area in relation to which the restriction of photography appears to him to be expedient in the interests of public safety or of defence.
- (b) No person shall, unless in possession of the necessary permit, make any photograph, sketch, plan or other representation of any object of the descriptions following, that is to say:—

- (i) any fortification, battery, searchlight, listening post, or other work of defence;
- (ii) any aerodrome or seaplane station;
- (iii) any assembly of any of His Majesty's forces;
- (iv) any barracks, encampment, or building occupied or in course of preparation for occupation by any of His Majesty's forces;
- (v) any arsenal, factory, magazine or store for armaments of war, arms, equipment, or supplies for any of His Majesty's forces, whether completed or in course of construction;
- (vi) any wireless, telegraph, telephone, signal or cable station;
- (vii) any dock, caisson, dockyard, harbour, shipbuilding works or loading pier;
- (viii) any vessel of war either complete or under construction, or any vessel or vehicle engaged in the transport of supplies or personnel;
- (ix) any aircraft or the wreckage of any aircraft;
- (x) any building structure, vessel or other object damaged by enemy action or as a result of steps taken to repel enemy action;
- (xi) any hospital, or station at which casualties, whether civil or otherwise are treated; any

ambulance or convoy of injured persons, or any injured person;

- (xii) any electricity, gas or water works, or any gasometer or reservoir, or any oil store;
- (xiii) any assembly of persons for the purpose of transport of evacuation, or any temporary camp or other accommodation or transport vehicles used for the purpose of evacuation;
- (xiv) any riotous or disorderly assembly, or premises, or other objects damaged in the course of such an assembly;
- (xv) any roads or railways exclusively connected with works of defence;
- (xvi) any beaches or other part of the coast.

(2) Permits for the purpose of this Regulation and for the making of photographs, sketches, plans or other representations of or in the premises declared to be protected places for the purposes of the Defence Regulations, may be granted by the Officer Commanding, Falkland Islands Force and the Naval Officer-in-Charge, Falkland Islands Base.

(3) No person shall publish in any manner any photograph, sketch, plan or other representation made in pursuance of a permit granted under this Regulation, unless and until it has been submitted to and approved for publication by the authority or person by whom the permit was granted; and approval may be given subject to such restrictions as may be thought necessary in the interests of public safety or of defence.

(4) This Regulation shall not apply to anything done by any servant of His Majesty or Police Constable acting in the course of his duty as such.

Dated this 27th day of August, 1942.

By Command,
KENNETH BRADLEY,
Colonial Secretary.

Order made under Regulation 57 of the Defence Regulations, 1939.

No. 12 of 1942.
A. W. CARDINALL,
Governor.

In pursuance of the powers vested in him by Section 57 of the Falkland Islands Defence Regulations, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows:—

1. The Order made by the Governor on the 29th day of December, 1941, prohibiting the possession of firearms in Stanley is revoked.

2. This Order shall come into force forthwith.

Dated at Stanley this twenty-fifth day of September, 1942.

By Command,
KENNETH BRADLEY,
Colonial Secretary.

FALKLAND ISLANDS.

Order by His Excellency the Governor amending the Defence Regulations, 1939.

No. 13 of 1942.
A. W. CARDINALL,
Governor.

Under the authority of the Emergency Powers (Defence) Act of the United Kingdom, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows:—

After paragraph (3) of Regulation 30 of the Defence Regulations, 1939, there shall be inserted:—

(3a) If any person upon being questioned by a constable or by a member of His Majesty's forces acting in the course of his duty as such fails to satisfy the constable or member of His Majesty's forces as to his identity or as to the purposes for which he is in the place where he is found, the constable or member of His Majesty's forces may, if he has reasonable ground to suspect that that person is about to act in any manner prejudicial to the public safety or the defence of the realm, arrest him without warrant and may detain him pending enquiries.

Dated this 6th day of October, 1942.

By Command,
KENNETH BRADLEY,
Colonial Secretary.

Falkland Islands Defence Regulations.

Order requisitioning horses for the Falkland Islands Force.

No. 14 of 1942.
A. W. CARDINALL,
Governor.

In exercise of the powers in him vested by Regulation No. 46 of the Falkland Islands Defence Regulations, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows:—

1. Ten riding horses shall be requisitioned in the East Falkland Islands for the use of the Falkland Islands Force.

2. His Excellency hereby appoints Major R. Greenshields, Mr. W. J. Hutchinson and Mr. T. Beaty to be a committee to do all that may be necessary or expedient in connection with the requisition.

Dated this 17th day of December, 1942.

By Command,
KENNETH BRADLEY,
Colonial Secretary.

Falkland Islands Defence Regulations.

Order declaring certain places to be protected places.

A. W. CARDINALL,
Governor.

No. 15 of 1942.

In exercise of the powers in him vested by Regulation No. 27 of the Falkland Islands Defence Regulations, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows:—

1. All camps, buildings, yards, paddocks and other places used for storage or any other purpose and in the occupation of the Military Authority shall be protected places.
2. Any unauthorised person desiring to enter places protected by this Order must obtain permission to do so from the Officer Commanding, Falkland Islands Force or any person deputed by him to grant such permission.

Dated this 28th day of December, 1942.

By Command.

KENNETH BRADLEY,
Colonial Secretary.

M.P. 188/42.

Falkland Islands Defence Regulations.

Order requisitioning motor vehicles for defence purposes.

A. W. CARDINALL,
Governor.

No. 16 of 1942.

In exercise of the powers in him vested by Regulation No. 46 of the Falkland Islands Defence Regulations, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows:—

1. All motor vehicles (trucks and delivery vans, cars and motor bicycles), registered in the Colony may be requisitioned for defence purposes.
2. His Excellency hereby appoints the Deputy Assistant Adjutant and Quarter-Master-General, Falkland Islands Force, the Officer Commanding, Royal Army Service Corps and the Controller of Civil Defence to be a committee to carry out a preliminary inspection of all registered motor vehicles and to do all that may be necessary or expedient in connection with the requisition.
3. The actual delivery to the committee or their nominees of the vehicles selected shall not take place until a state of general alarm has arisen in the Colony.

Dated this 30th day of December, 1942.

By Command.

KENNETH BRADLEY,
Colonial Secretary.

M.P. 185/42.

FALKLAND ISLANDS.

Falkland Islands Defence (Amendment) Regulations, 1942.

A. W. CARDINALL,
Governor.

His Excellency the Governor under the authority of the Emergency Powers (Defence) Act of the United Kingdom, 1939, is pleased to order, and it is hereby ordered as follows:—

1. These Regulations may be cited as the Defence (Amendment) Regulations, 1942, and shall come into operation forthwith. Citation and date of coming into operation.
2. The Defence Regulations 1939 (hereinafter referred to as "the principal Regulations") shall have effect as if there were made therein the following amendment.

3. Regulation 68 of the principal Regulations is hereby revoked and replaced by the following Regulation:— Replacement of Regulation 68 of principal Regulations.

68.—(1) Any person acting under the authority of the Governor may serve upon the occupier of any premises a written notice (hereinafter referred to as "a billeting notice") requiring the occupier of the premises to furnish therein, while the notice remains in force, such accommodation by way of lodging or food or both, and either with or without attendance, as may be specified in the notice for such persons as may be so specified. Billeting.

(2) Where a room in any premises is required by a billeting notice to be devoted exclusively to the accommodation of any person, then, notwithstanding anything in any contract, no other person shall be entitled to occupy the room so long as that requirement is in force.

(3) Any person having power to serve a billeting notice is hereinafter referred to as "a billeting officer".

(4) The occupier of any premises shall, if ordered so to do by a billeting officer, furnish to such authority or person as may be specified in the request such information with respect to the accommodation contained in the premises and with respect to the persons living therein as may be so specified.

(5) The price payable in respect of any accommodation furnished in any premises to any person in accordance with a billeting notice shall be such as may be determined by order of the Governor, and shall be paid to the occupier of the premises by the Governor or by such other authority as he may designate.

(6) A billeting officer may revoke a billeting notice relating to any premises, without prejudice to the service of a further billeting notice relating to those premises; and the Governor may by order direct that all billeting notices for the time being in force shall cease to have effect, either generally or as respects premises in a particular area.

(7) Where—

- (a) a billeting notice is revoked or ceases to have effect under the last preceding paragraph, or
- (b) accommodation required by a billeting notice to be provided for any person ceases to be provided,

the occupier of the premises to which the billeting notice relates shall forthwith surrender it to a billeting officer, who shall cancel or amend the notice, as the case may require.

(8) If any person contravenes or fails to comply with requirements of a billeting notice or with any of the requirements of this Regulation he shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

(9) For the purposes of hearing complaints in respect of billeting notices there shall be a tribunal consisting of not less than six persons nominated by the Governor, four of whom shall form a quorum; and any person who is aggrieved by the service upon him of a billeting notice, or by the operation of a billeting notice served upon him, may, make a complaint to the tribunal constituted under this paragraph; and upon hearing the complaint the tribunal may cancel or vary the billeting notice as the tribunal thinks fit.

(10) A billeting notice relating to any premises may, if it is not practicable to deliver it to the occupier of the premises, be served by delivering it to any person on the premises.

(11) If any order is contravened or not complied with in the case of any premises, any persons acting under the authority of the Governor may enter the premises and take in relation thereto all such steps as may be reasonably necessary for the enforcement of the order.

(12) Where the owner or lessee of any unoccupied premises is not readily accessible any person acting under the authority of the Governor may enter the premises using such force as is reasonably necessary for the purpose.

Dated this 22nd day of May, 1942.

By Command,

L. W. ALDRIDGE,

for Colonial Secretary.

M.P. S/20/41.



ORDINANCES
of the
COLONY
of the
FALKLAND ISLANDS
enacted during the year
1943
together with the
Rules Regulations etc., etc.,
made during that year.

PART I.

ORDINANCES.

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[L.S.]



FALKLAND ISLANDS.

Ordinance No. 1 of 1943.

I ASSENT,

A. W. CARDINALL,
Governor.

6th December, 1943.

An Ordinance

To consolidate and extend the law relating to Customs.

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

1. This Ordinance may be cited as the Customs Ordinance, 1943, and shall come into force on a day to be specified by the Governor by Proclamation in the Gazette. Short Title and operation.

2. In this Ordinance and in any other Ordinance relating to the Customs, unless the context otherwise requires — Definitions.

“Agent”, in relation to the master or owner of an aircraft or ship, includes any person who notifies the Collector in writing that he intends to act as the agent, and who or on whose behalf any person authorized by him signs any document required or permitted by the customs laws to be signed by an agent; provided that the owner of any aircraft or ship, if resident or represented in the colony, shall be deemed to be the agent of the master for all the purposes of the customs laws, if no such agent be appointed;

“Aircraft” includes balloons, kites, gliders, airships, and flying machines;

“Approved place of unloading” and “approved place of loading” mean respectively any quay, jetty, wharf or other place, including any part of an aerodrome, appointed by the Governor by notice in the Gazette to be a place where coastwise or imported goods or goods about to be carried coastwise or exported may be unloaded or loaded;

“Boarding station” means any station or place appointed by the Governor by notice in the Gazette to be a station or place for aircraft or ships arriving at or departing from any port or place to bring to for the boarding or setting down of Officers;

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

"Burden" means net registered tonnage, or tonnage calculated in the manner prescribed by law for ascertaining net registered tonnage;

"Carriage" includes every description of conveyance for the transport by land of human beings or property;

"Collector" means the Collector of Customs and includes any Deputy Collector.

"Customs Area" means any place appointed to be a customs area by the Collector by notice in writing under his hand;

"Customs laws" includes this Ordinance and any legislative enactment relating to the customs, and any proclamation, rule, regulation, resolution or Order in Council made under the authority of any law relating to the customs;

"Drawback" means a refund of all or part of any duty of customs authorized by law in respect of goods exported or used in any particular manner;

"Duty" includes any tax or surtax imposed by the customs laws;

"Entered" in relation to goods imported, warehoused, put on board an aircraft or ship as stores or exported means the acceptance and signature by the proper Officer of an entry, specification, or shipping bill, and declaration signed by the importer or exporter on the prescribed form in the prescribed manner, together with the payment to the proper Officer by the importer or exporter of all rents and charges due to the Government in respect of the goods, and in the case of dutiable goods (except on the entry for warehousing of imported goods), the payment by the importer or exporter to the proper Officer of the full duties due thereon, or else, where permitted, the deposit of a sum of money or giving of security for the duties, as provided by law, or, in the case of goods for which security by bond is required on the exportation, putting on board an aircraft or ship as stores or removal of such goods, the giving of such security;

"Export" with its grammatical variations and cognate expressions, means to take or cause to be taken out of the Colony or the waters thereof;

"Exporter" includes any person by whom any goods (including goods transferred from an importing aircraft or ship) are exported from the Colony or supplied for use as aircraft's or ship's stores in accordance with section 148, and also the owner, or any person acting on his behalf, and any person who for customs purposes signs any document relating to goods exported or intended for exportation or supplied or intended for supply as aircraft's or ship's stores as aforesaid;

"Goods" includes all kinds of goods, wares, merchandise and live-stock;

"Hulk" shall mean any vessel which has been condemned or dismantled;

"Import" with its grammatical variations and cognate expressions, means to bring or cause to be brought within the Colony or the waters thereof;

"Importer" includes the owner or any other person for the time being possessed of or beneficially interested in any goods at and from the time of the importation thereof until the same are duly delivered out of the charge of the Officers, and also any person

who signs any document relating to any imported goods required by the customs laws to be signed by an importer;

"King's warehouse" means any warehouse or hulk or place whatsoever for the time being occupied or used by the Collector for the deposit of goods for security thereof or of the duty thereon;

"Master" includes the person having or taking the charge or command of any aircraft or ship;

"Name" includes the registration mark of an aircraft;

"Obscuration" means the difference, caused by matter in solution, between the actual strength of spirits and the apparent strength as indicated by the hydrometer;

"Occupier" includes any person who signs as principal any bond in respect of any building or place used for the deposit of goods for the security thereof or of the duties thereon under the customs laws;

"Offence against the customs laws" includes any act of any person contrary to the customs laws or any failure of any person to perform an act required by the customs laws to be performed by him;

"Officer" shall mean any person, temporarily or otherwise an officer of customs, duly appointed in writing by the Governor or Collector, and shall include all police constables;

"Owner of goods" includes any person who is for the time being entitled, either as owner or agent for the owner, to the possession of any goods;

"Over the Colony" means above the area contained within the imaginary lines bounding the Colony and the waters thereof; and if any person, goods or thing shall descend or fall or be dropped or thrown from any aircraft within such area, such person, goods or thing shall be deemed to have descended or fallen, or to have been dropped or thrown from an aircraft over the Colony;

"Place" shall (unless such meaning shall be repugnant to the context) mean any Bay or other part of the Colony which shall not be a "Port of Entry" as defined below;

"Port" and "Port of Entry" shall mean the port of Stanley or Fox Bay, and include any place where a collector shall be stationed, and any place hereafter declared a port by the Governor in Council by notice published in the Gazette; and any customs aerodrome, whether within a port or not, shall be deemed to be a port for aircraft;

"Private warehouse" means any building or place or hulk appointed by the Governor by notice in the Gazette to be a private warehouse;

"Prohibited goods" and "Restricted goods" mean respectively any goods the importation or exportation of which is prohibited or restricted by law;

"Proof" means such spirits as at the temperature of 51 degrees Fahrenheit shall weigh 12/13ths of the weight of an equal measure of distilled water;

"Proper Officer" means any Officer whose right or duty it may be to exact the performance of, or to perform, the act referred to;

"Ship" includes any ship, boat, lighter, or other floating craft of any description other than a hulk as herein defined but does not include aircraft;

"Sufferance wharf" means any place other than an approved place of loading or unloading at which the Collector may, in his discretion and under such conditions and in such manner as he may direct, either generally, or in any particular case, allow any goods to be loaded or unloaded;

"Transit shed" means any building in a customs area appointed to be a transit shed by the Collector by notice in writing under his hand;

"Uncustomed goods" includes goods liable to duty on which the full duties due have not been paid, and any goods, whether liable to duty or not, which are imported or exported or in any way dealt with contrary to the customs laws;

"Warehoused" means deposited in a King's or private warehouse;

"Warehouse-keeper" means the owner or occupier of a private warehouse;

"Waters of the Colony" means any waters within a space contained within an imaginary line drawn parallel to the shores or outer reefs of the Colony which appear above the surface at low water mark at ordinary spring tides and distant three miles therefrom.

Officers to have powers of members of the Police Force.

3. For the purpose of carrying out the provisions of the customs laws all Officers shall have the same powers, authorities and privileges as are given by law to members of the Police Force.

What shall be deemed acts of Collector etc.

4. Every act, matter or thing required by the customs laws to be done or performed by, with, to or before the Collector, if done or performed by, with, to or before any Officer appointed by the Collector for such purpose, shall be deemed to be done or performed by, with, to or before the Collector; and every person employed on any duty or service relating to the customs by the orders or with the concurrence of the Collector (whether previously or subsequently expressed) shall be deemed to be the Officer for that duty or service; and every act required by law at any time to be done by, with, to or before any particular Officer nominated for such purpose, if done by, with, to or before any person appointed by the Collector to act for such particular Officer, shall be deemed to be done by, with, to or before such particular Officer; and every act required by law to be done at any particular place within any port, if done at any place within such port appointed by the Collector for such purpose, shall be deemed to be done at the particular place so required by law.

DUTIES, PROHIBITIONS, DRAWBACKS AND REFUNDS OF DUTY.

Customs Duties.

5. It shall be lawful for the Legislature from time to time to impose import or export duties of customs upon any goods whatsoever which may be imported into or exported from the Colony, and to revoke, reduce, increase or alter any such duties, and to provide for the importation or exportation of any goods without payment of customs duty thereon. Provided that all duties of customs and all exemptions from duties of customs which are by law in force at the commencement of this Ordinance shall continue in force until revoked, reduced, increased or altered in the manner provided in this Ordinance.

Governor in Executive Council may remit duties.

6. It shall be competent for the Governor in Executive Council, upon application by the importer or exporter, to remit or refund in whole or in part any customs duty whenever he shall deem it expedient so to do.

British Preferential & General Tariffs.

7. Any order or resolution made or passed in accordance with section 5, may impose different rates of import duty upon goods which are shown to the satisfaction of the Collector to have been (1) consigned from a part of the British Empire and (2) either (a) to be the produce of the British Empire or (b) to have been manufactured in the British Empire (such duties to be distinguished in the order or resolution as duties imposed under the British Preferential Tariff), and upon goods not shown to the satisfaction of the Collector to have been so consigned and produced or manufactured (such duties to be distinguished as duties imposed under the General Tariff).

8. Notwithstanding the provisions of the preceding section, no goods shall be admitted under the British Preferential Tariff unless the importer shall comply with regulations which the Governor in Executive Council is hereby authorised to make in relation thereto. Regulations.

9. All goods deposited in any warehouse without payment of duty on the first importation thereof, or which may be imported or exported, and shall not have been entered for use within the Colony, or for exportation, as the case may be, shall, upon being entered for use within the Colony, or for exportation, as the case may be, be subject to such duties as may be due and payable on the like sort of goods under the customs laws in force at the time when the same are entered, save in cases where special provision shall be made to the contrary. Time of entry to govern duty payable.

10. (1) Where by entry, bond, removal of goods, or otherwise, any obligation has been incurred for the payment of duties of customs, such obligation shall be deemed to be an obligation to pay all duties of customs which may become legally payable, or which are made payable or recoverable under the customs laws, and to pay the same as the same become payable. Effect of obligation to pay debts.

(2) When any duty has been short levied or erroneously refunded, the person who should have paid the amount short levied, or to whom the refund has erroneously been made, shall pay the amount short levied, or repay the amount erroneously refunded, on demand being made by the Collector.

11. Where any goods, being of a class or description liable to any import duty of customs, are re-imported into and entered for use within the Colony after exportation therefrom, and it is shown to the satisfaction of the Collector that any duty of customs chargeable in respect of the goods prior to their exportation was duly paid, either prior to exportation or at any subsequent time, and either that no drawback of any such duty was allowed on exportation, or that any drawback so allowed has been repaid to the Collector, then - Duty on goods re-imported.

(a) if it is further shown as aforesaid that the goods have not been subjected to any process abroad, the goods shall be exempt from any such duty when the same are entered for use within the Colony after re-importation, unless the rate of duty of customs chargeable on goods of the same class or description at the time when the same are entered for use within the Colony after re-importation shall exceed the rate paid on the said goods on first importation and entry, in which case such goods shall be chargeable with duty at a rate equal to the difference between the rate at which the duty previously paid was calculated and the rate in force at the date when such goods are entered for use within the Colony after re-importation;

(b) if the goods at the time when the same are entered for use within the Colony after re-importation are of a class or description liable to an import duty *ad valorem*, and it is further shown as aforesaid that the goods have been subjected to a process of repair, renovation or improvement abroad, but that their form or character has not been changed, such goods shall be chargeable with duty as if the amount of the increase in the value of the goods attributable to the process were the whole value thereof, and, where any sum has been contracted to be paid for the execution of the process, the sum shall be *prima facie* evidence of that amount, but without prejudice to the powers of the Collector under the customs laws as to the ascertainment of the value of the goods for the purpose of assessing duty thereon *ad valorem*.

Provided that if the rate of duty of customs chargeable on the goods of the same class or description at the

time when the same are entered for use within the Colony after re-importation shall exceed the rate paid on the said goods on first importation and entry, then in such case, in addition to the *ad valorem* duty chargeable hereunder according to the amount of the increase in the value of the goods attributable to the process, such goods shall be chargeable with additional customs duty calculated in the manner set out in paragraph (a) of this section, as if such goods had not been subjected to any process of repair, renovation or improvement abroad.

In case of dispute, importer to deposit the duty demanded.

12. (1) If any dispute shall arise as to the proper rate or amount of duty payable on any goods imported into or exported from the Colony, the importer, consignee, or exporter, or his agent, shall deposit in the hands of the Collector the duty demanded by him, which shall be deemed and taken to be the proper duty payable, unless proceedings shall be commenced by the importer or exporter of such goods, within three months after such deposit, against the Collector, to ascertain whether any and what duty is payable on such goods; and on payment of such deposit, and on the passing of a proper entry or shipping bill for such goods by the importer, exporter, consignee, or agent, the Collector shall cause delivery or permit shipment thereof, as the case may be.

(2) All such deposits shall be paid by the Collector to the Treasurer, and, in case no such proceedings shall be brought within the time limited for that purpose, such deposit shall be retained and applied to the use of the Colony in the same manner as if it had been originally paid and received as the duty due on such goods; and in case of such proceedings, if it shall be determined that the duty so deposited was not the proper duty, but that a less duty was payable, the difference between the deposit and the duty found to be due, or the whole deposit, as the case may require, shall be returned to such importer or exporter.

(3) Notwithstanding anything hereinbefore contained in this section, it shall be lawful for the importer, after having made the deposit as aforesaid, to request the Governor in Executive Council to decide the dispute on such terms and conditions as the Governor in Executive Council shall deem equitable, in which event the decision of the Governor in Executive Council shall have effect and be final.

Value.

13. (1) For the purpose of any enactment for the time being in force whereunder a duty of customs is chargeable on goods by reference to their value, the value of any imported goods shall be taken to be the price which they would fetch on a sale in the open market in the Colony at the time of importation.

(2) For the purpose of computing the price aforesaid it shall be assumed -

- (a) that the goods to be valued are to be delivered to the buyer at the port or place of importation, freight, insurance, commission and all other costs, charges and expenses incidental to the making of the contract of sale and the delivery of the goods at that port or place (except any duties of customs payable in the Colony and buying commission not exceeding five per centum of the total value which is shown to the satisfaction of the Collector to have been paid to an agent) having been paid by the seller; and
- (b) that in converting the selling price of the said goods from foreign currency to sterling, the rate of exchange is the selling rate for sight drafts at the principal port of the Colony first quoted on or after the date of importation; and

- (c) that any portion of any charge for primage which is refundable on the performance by the buyer of any specified conditions is not paid by the buyer, whether the buyer intends to fulfil such conditions or not; and
- (d) that the price is the sole consideration for the sale of the said goods; and
- (e) that neither the seller nor any person associated in business with him has any interest, direct or indirect, in the subsequent re-sale or disposal of the said goods; and
- (f) that there has not been and will not be any commercial relationship between the seller and the buyer, whether created by contract or otherwise, other than that created by the sale of the said goods.

(3) For the purposes of this section two persons shall be deemed to be associated in business with one another if, whether directly or indirectly, either of them has any interest in the business or property of the other, or both have a common interest in any business or property, or some third person has any interest in the business or property of both of them.

(4) The value of any exported goods for the purpose of assessing duty *ad valorem* shall be determined in accordance with regulations which the Governor in Executive Council is hereby authorised to make in relation thereto.

14. If any article is enumerated in the tariff or can reasonably be classified under two or more names, headings or descriptions, and there is a difference of duty, the highest duty provided shall be charged and collected thereon.

Duty payable on classification at highest rate.

15. Goods containing any article liable to duty as a part or ingredient thereof shall be liable to duty at the rate payable on such part or ingredient, and any goods composed of more than one article liable to duty shall be liable to duty at the rate payable on the article charged with the highest rate of duty: Provided that the highest rate shall not be exacted in cases where the Collector in his discretion decides that the goods contain only a negligible proportion of the article liable to the highest rate. Provided also that in no case shall any less duty be charged on any such goods than the duty due thereon when considered as a whole without regard to their contents.

Duty on composite goods.

16. If any article subject to the payment of specific duty is imported in any package intended for sale, or of a kind usually sold with the goods when the same are sold retail, and marked or labelled, or commonly sold, as containing, or commonly reputed to contain, a specific quantity of such article, then such package shall be deemed to contain not less than such specific quantity.

Duty chargeable on reputed quantity.

17. If any article subject to the payment of duty according to the weight thereof is imported in any package intended for sale, or of a kind usually sold with the goods when the same are sold retail, and such package is not marked or labelled, or is not in the opinion of the Collector commonly sold as containing, or commonly reputed to contain, a specific quantity of such article, and the importer is not able to satisfy the Collector as to the correct nett weight, the duty thereon shall be calculated according to the gross weight of such package and its contents.

On gross weight in certain cases.

18. It shall be lawful for the Governor by notice in the Gazette to specify, in gallons and fractions of a gallon, standard capacities for packages containing goods liable to duties according to the liquid measurement thereof, in all cases where, in his absolute discretion, he shall consider that such packages, being of sizes within limits to be specified in the notice, are reputed to be, or are sold as packages of standard sizes, whether or not any statement of the

Governor may fix standard contents for packages containing liquids.

actual contents is contained on any label or other attachment to or part of such package, and thereupon all packages having capacities within the limits specified in any notice shall be deemed to contain the standard capacity in the notice in each case.

Duties, etc. to be proportionate to quantity or value.

19. All duties, rates, charges and drawbacks imposed and allowed according to any specified quantity, or any specified value, or any particular description of package, shall be deemed to apply in the same proportion to any greater or less quantity or value or any other description of package, and shall be paid and received in any currency being legal tender in the Colony, and according to the weights and measures established by the laws of the Colony.

Abatement of duty.

20. No claim for any abatement of duty in respect of any goods imported into the Colony shall be allowed on account of damage, unless such claim shall be made on the first examination thereof, nor unless it shall be proved to the satisfaction of the Collector that such damage was sustained before the delivery thereof out of the care of the Collector.

Derelict, etc. goods liable to full duty unless damaged.

21. All goods derelict, jetsam, flotsam and wreck brought or coming into the Colony, and all droits of Admiralty sold in the Colony, shall at all times be subject to the same duty as goods of the like kind on importation into the Colony are subject, unless it shall be shown to the satisfaction of the Collector that such goods are damaged.

Damage to be assessed by Collector.

22. Subject to the provisions of sections 20, 23 and 24, the damage sustained by any goods shall be assessed by the Collector, who shall allow abatement of the duty in proportion to such damage.

No abatement on certain goods.

23. No claim for abatement of duty on account of damage shall be allowed in respect of tobacco, cigars, cigarillos, cigarettes, wine or spirits.

Qualification as to abatement.

24. No claim for abatement of duty on account of damage shall be allowed in respect of imported goods (not being goods derelict, jetsam, flotsam, or wreck brought or coming into the Colony, or droits of Admiralty sold in the Colony) except on proof to the satisfaction of the Collector that the carrier or insurer of the goods has made an allowance to the importer in respect of the damage. In any such case the abatement shall not exceed such proportion of the duty as the amount of the allowance made bears to the value of the goods undamaged, calculated in accordance with section 13.

Limitations as to wine and beer.

25. No liquor containing more than forty-two per centum of proof spirit shall be deemed wine; and no liquor containing more than twenty per centum of proof spirit shall be deemed beer, ale, stout or porter. All liquor containing more than forty-two per centum of proof spirit, and all liquor, other than wine, containing more than twenty per centum of proof spirit, shall be deemed spirits.

Strength of spirits.

26. (1) In ascertaining the strength of any spirits, any obscuration shall be determined and allowed for.

(2) The certificate of the Collector of Customs as to the strength of any liquid containing alcohol shall be *prima facie* evidence of the strength thereof.

Goods used contrary to purpose for which imported.

27. If any goods which are ordinarily liable to duty at a given rate are allowed by law to be, and are in fact, entered at a lower rate of duty, or free of duty, on any special conditions, or for use for some special purpose, or because they are the property of or intended for use by some particular person or functionary, and if such conditions are not observed, and the goods are at any time within two years of the date of importation thereof used for any other than the specified purpose, or, being goods entered as aforesaid

because they are the property of or intended for use by some particular person or functionary, are sold or transferred to any other person, such goods, unless the full duties thereon shall have been paid, shall be forfeited and the importer and any person who shall be knowingly concerned in the use of such goods contrary to such conditions, or for some purpose other than that specified or in any way contrary to this section, shall each incur a penalty of one hundred pounds, or treble the value of such goods, at the election of the Collector.

28. The importer of any such goods as aforesaid shall, on demand, produce them to any Officer, or otherwise account for them to the satisfaction of the Collector, within such period of two years aforesaid, and if he shall fail to produce such goods, or otherwise account for the same as aforesaid, he shall incur a penalty of one hundred pounds, or treble the value of such goods, at the election of the Collector.

29. The provisions of sections 27 and 28 shall not apply to goods imported by or for use of the Government, and sold or transferred by Government order.

30. The Collector may give permission to any person to import any goods without payment of duty thereon, upon being satisfied that such goods are so imported for temporary use only. Such permission shall be subject to the provisions of section 32 and to the following conditions:

- (a) that such goods shall be exported within three months of the date of such permission, and
- (b) that the person to whom such permission is given shall deposit in the hands of the Collector the amount of the duty on such goods, or else give security therefor, at the election of the Collector.

31. If any goods imported under the provisions of section 30 are not exported within three months of the date of the said permission, the deposit in the hands of the Collector shall be forfeited, or, if security has been given as aforesaid, then the importer shall pay to the Collector the full duties on such goods. If such goods are exported as aforesaid, such deposit shall be refunded, or the security cancelled. Provided that the Collector may, in his discretion, and on provision of additional security where he so requires, allow any additional period where he is satisfied that the articles are the *bona fide* property or *bona fide* in the use of any person on a temporary visit to the Colony.

32. The Governor in Executive Council may by notice in the Gazette declare that any goods named by him shall not be imported under the provisions of section 30 and may also declare that any goods which are permitted to be brought in under the said section shall be subject to such proportion of the duty thereon as he shall specify in such notice.

33. (1) Where any new import duty of customs is imposed, or where any import duty of customs is increased, and any goods in respect of which the duty is payable are delivered on or after the day on which the new or increased duty takes effect in pursuance of a contract made before that day, the seller of the goods may, in the absence of agreement to the contrary, recover, as an addition to the contract price, a sum equal to any amount paid by him in respect of the goods on account of the new duty or increase of duty, as the case may be.

(2) Where any import duty of customs is repealed or decreased, and any goods affected by the duty are delivered on or after the day on which the duty ceases or the decrease in the duty takes effect in pursuance of a contract made before that day, the purchaser of the goods, in the absence of agreement to the contrary may,

Penalty for not producing goods.

Saving as to goods of Government.

Goods imported for temporary use.

Disposal of deposit.

Certain goods may be excepted.

Contract prices of imported goods may be adjusted to meet change in duty.

if the seller of the goods has had, in respect of those goods, the benefit of the repeal or decrease of the duty, deduct from the contract price a sum equal to the amount of the duty or decrease of duty, as the case may be.

(3) Where any addition to or reduction from the contract price may be made under this section on account of any new or repealed duty, such sum as may be agreed upon, or, in default of agreement, determined by the Collector as representing, in the case of a new duty, any new expenses incurred, and, in the case of a repealed duty, any expenses saved, may be included in the addition to or deduction from the contract price, and may be recovered or deducted accordingly.

Governor may prohibit importation, carriage coastwise or exportation.

34. It shall be lawful for the Governor from time to time by proclamation to prohibit the importation, carriage coastwise or exportation of any goods whatsoever, and any such proclamation may prohibit importation, carriage coastwise or exportation until the re-novation thereof, or during such period as may be specified therein, and may either absolutely prohibit importation, carriage coastwise or exportation, or may prohibit importation, carriage coastwise or exportation except on compliance with any conditions which may be specified in the proclamation, or importation from or exportation to any particular place named in the proclamation.

Goods prohibited to be imported.

35. Until revoked by proclamation under section 34 the importation of the following goods is prohibited :-

- (a) All goods which if sold would be liable to forfeiture under the Merchandise Marks Ordinance, 1889, and all goods of foreign manufacture bearing any name or trade mark being or purporting to be the name or trade mark of any manufacturer, dealer or trader in the British Empire, unless such name or trade mark is accompanied by a definite indication of the country in which the goods were made or produced.
- (b) All goods of a kind prohibited to be imported into the United Kingdom by order made under the Anthrax Prevention Act, 1919.
- (c) Arms and ammunition, except with the written permission of the Colonial Secretary.
- (d) Clocks and watches or any other article of metal impressed with any mark or stamp representing or in imitation of any legal British Empire assay mark, or stamp, or purporting by any mark or appearance to be of the manufacture of any part of the British Empire, such clocks, watches or other articles not being of the manufacture of such part of the British Empire.
- (e) Coin - viz.: base or counterfeit coin of any country.
- (f) Coin, imitation and foreign, of a kind which is prohibited by law to be imported into the United Kingdom.
- (g) Coin, silver of the realm, or any money purporting to be such, not being of the established standard in weight and fineness.
- (h) Extracts, essences or other concentrations of tobacco, or any admixture of the same, tobacco stalks and tobacco-stalk flour, except under such conditions as the Collector may with the approval of the Governor either generally or in any particular case allow.
- (i) Fictitious stamps as defined in section 2 of the Post Office (Amendment) Ordinance, 1930, and any die, plate, instrument or materials capable of making any such stamps.
- (j) Indecent or obscene prints, paintings, photographs, books,

cards, lithographic or other engravings, or any other indecent or obscene articles.

- (k) Mechanical games or devices set in operation wholly or partly by the insertion of a coin or coins, and so constructed as to return to the person inserting the coin or coins, in certain circumstances, a coin or coins of greater total value than that of the coin or coins inserted.
- (l) Spirits (not being cordials or perfumed or medicinal spirits), and wine, unless specifically reported as such, and unless in aircraft, or in ships of thirty tons burden at least, and in casks or other vessels capable of containing liquids, each of such casks or other vessels being of the size or content of nine gallons at the least, or unless in glass or stone bottles, properly packed in cases, or in demijohns, each case or demijohn containing not less than one gallon.
- (m) Saccharin, except with the written permission of the Senior Medical Officer.
- (n) Tobacco, cigars, cigarillos and cigarettes, unless specifically reported as such and unless in aircraft, or in ships of thirty tons burden at least, and unless in whole and complete packages, each containing not less than twenty pounds net weight of tobacco, cigars, cigarillos or cigarettes.

36. It shall be lawful for the Collector to permit the importation of spirits, wines, tobacco, cigars, cigarillos and cigarettes in smaller ships and in smaller quantities than are prescribed in section 35 or any proclamation made thereunder under such conditions and subject to such regulations as he may prescribe, and subject to such additional duties (if any) as may be fixed by the Legislature.

Saving as to spirits and tobacco.

37. Goods imported in transit or as *bona fide* stores of any aircraft or ship shall not be deemed to be goods prohibited to be imported or exported unless such goods -

Saving as to transit goods and stores.

- (a) being in transit, are of a description included in paragraphs (a), (b), (d), (e), (f), (g), (i), (j), (l), (n) of section 35, or
- (b) being the *bona fide* stores of any aircraft or ship, are of a description included in paragraphs (a), (b), (d), (e), (f), (g), (i) or (j) of section 35, or
- (c) are expressly prohibited to be imported in transit or as aircraft's or ship's stores, in any proclamation made under the customs laws, or in any Ordinance prohibiting the importation of any goods.

38. The provisions of sections 34 to 37 shall be additional to the provisions of section 134 of this Ordinance, and to any provisions of any other Ordinance prohibiting the importation, carriage coastwise or exportation of any goods.

Prohibitions elsewhere provided.

39. (1) It shall be lawful for the Governor in Executive Council from time to time by regulation to direct on what goods a drawback of the whole or any part of the duties paid on the importation thereof may be granted, and the conditions under which such drawbacks shall be allowed.

Governor in Executive Council may direct granting of drawbacks.

(2) Notwithstanding anything hereinbefore contained in this section, all drawbacks payable under any former Ordinance shall be paid or allowed under this Ordinance until cancelled by direction of the Governor in Executive Council under this section.

40. Every sum of money which shall be due upon any debenture, certificate or other instrument for the payment of money out of the duties of customs shall be paid by the Treasurer on the proper debenture certified by the Collector.

Certification of debenture.

Declaration by owners of goods exported on drawback.

41. The owner of any goods on which drawback is claimed shall make and subscribe a declaration on the debenture that the conditions under which drawback is allowed have been fulfilled, and, in the case of goods exported or put on board an aircraft or ship for use as stores, that such goods have been actually exported or put on board for use as stores, as the case may be, and have not been returned and are not intended to be returned to the Colony, and that such owner at the time of entry of such goods was, and continues to be entitled to the drawback thereon.

Evidence of disposal of goods.

42. The Collector may require the owner to produce satisfactory evidence of the landing or disposal of any goods before certifying any debenture.

Time limit for debenture payment.

43. No debenture for any drawback shall be paid after the expiration of one year from the date of entry of any goods for drawback, or, in the case of goods exported or put on board an aircraft or ship for use as stores, from the date of putting the same on board the exporting or using aircraft or ship.

Refund of duties paid in error.

44. The Treasurer shall return any money which shall have been overpaid as duties of customs at any time within two years after such overpayment, on the proper document for such overpayment being certified by the Collector.

ARRIVAL AND REPORT OF AIRCRAFT AND SHIPS, LANDING OF PASSENGERS AND UNLOADING, REMOVAL AND DELIVERY OF GOODS.

Procedure on arrival.

45. If any aircraft or ship arriving in the Colony or the waters thereof (a) shall not come to some port therein, or such other place as may be allowed by the Collector in any special circumstances, without touching at any other place in the Colony, or (b), on arriving at any such port or place, shall not come as quickly up to the proper place of mooring or unloading as the nature of the port or place will admit, without touching at any other place, or (c), in proceeding to such proper place, shall not bring to at the station appointed by the Governor by notice in the Gazette for the boarding of aircraft or ships, or (d), after arriving at such proper place shall depart therefrom except directly to some other place of mooring or unloading approved of by the proper Officer, or, with the authority of the proper Officer, directly to some other port or to some place allowed by the Collector in any special circumstances as aforesaid in the Colony, or directly on any flight or voyage to a place outside the Colony in accordance with the provisions of the customs laws, or, (e), after departing as aforesaid on any flight or voyage to a place outside the Colony shall bring to within the Colony or the waters thereof, unless in accordance with the customs laws, or with the permission of the proper Officer, or for some cause which the master shall explain to the satisfaction of the Collector, then in every such case the master of such aircraft or ship shall incur a penalty of one hundred pounds.

Collector may direct mooring and discharge.

46. The Collector may, subject to any other authority provided by law, direct at what particular part of any port or other place aircraft or ships shall moor or shall discharge their cargo.

Officer may board aircraft or ship.

47. Any Officer on duty may board any aircraft or ship within the Colony or the waters thereof, and stay on board for any period, and shall have free access to every part, with power to secure any part by such means as he shall consider necessary, and to examine any goods, and to require any goods to be unloaded, and removed for examination, or for the security thereof, or to unload and remove such goods at the expense of the master or owner, or the agent of either, and to examine any goods in course of being unloaded or removed, or when unloaded or removed, and to lock up, seal, mark or otherwise secure any goods on board such aircraft or ship.

Officer may open if access not free.

48. If any Officer acting under the provisions of section 47 shall find that there be not free access to any place or to any box or

chest, or if the keys of any such place, box or chest, if locked, be withheld, such Officer may open any such place, box or chest in any manner; and if any goods be found concealed on board, they shall be forfeited.

49. If the Officer shall place any lock, mark or seal upon any goods on board an aircraft or ship, or upon any place or package in which the same may be, and such lock, mark or seal be wilfully opened, altered or broken before due delivery of such goods, or within the Colony or the waters thereof, except with the authority of the proper Officer, or if any of such goods be secretly conveyed away, or if any goods, place or package, after having been secured by the Officer, be opened within the Colony or the waters thereof, except with the authority of the proper Officer, or if the Officer shall require any goods to be unloaded and removed for examination or for the security thereof, and such goods shall not be unloaded and removed forthwith as required by the Officer, the master of such aircraft or ship shall incur a penalty of one hundred pounds.

Penalty for interfering with seal, etc.

50. If any Officer shall board any aircraft or ship and find any goods thereon, and, after leaving such aircraft or ship, such Officer, or any other Officer, shall board such aircraft or ship, and such or any part of such goods shall no longer be on board, and the master is unable to give a due account of the lawful discharging of the same, the master of such aircraft or ship shall incur a penalty of one hundred pounds, or treble the value of such goods, at the election of the Collector.

Goods unlawfully discharged.

51. If any Officer shall be informed or have reason to suppose that any person on an aircraft or ship, or any person who shall have landed from an aircraft or ship, or any person who the Officer may suspect has received any goods from any such person, is carrying or has any uncustomed or prohibited goods about his person, such Officer may search such person; and if any such person shall, upon being questioned by any Officer whether he has any goods obtained outside the Colony about his person, or in his possession, or in his baggage, refuse to answer or deny having the same, and any such goods shall be discovered to be or to have been upon his person, or in his possession, or in his baggage, such goods shall be forfeited. No Officer shall be liable to any prosecution or action at law on account of any search made in accordance with the provisions of this section.

Search of persons.

52. Before any person shall be searched he may require to be taken with all reasonable despatch before a Magistrate, or the Collector or other superior Officer, who shall, if he see no reasonable cause for search, discharge such person, but if otherwise, direct that he be searched.

Certain officers may not search without special authority.

53. A female shall not be searched except by a female.

Search of female.

54. If upon boarding any ship any Officer shall find any goods of which the master shall not be able to give a satisfactory account, and if such Officer shall suspect that such goods are being or have been or are intended to be dealt with in any way contrary to the customs laws, he may arrest and detain such master, and take him before a Magistrate, and if such master shall fail to satisfy the Magistrate that such goods had not been, were not being, and were not intended to be dealt with contrary to the customs laws, such goods shall be forfeited, and the master shall incur a penalty of one hundred pounds.

Control of small craft.

55. The Governor in Executive Council may from time to time make general regulations in respect of ships not exceeding one hundred tons burden prescribing, with reference to the tonnage, build or general description of such ships, the limits within which the same may be used or employed, the mode of navigation, the

General regulations for small craft.

manner in which such ships shall be so used or employed, and such other terms, particulars, conditions and restrictions as the Governor in Executive Council may think fit, and also from time to time to revoke, alter or vary such regulations.

Penalty for infringement of regulations re small craft.

56. Every ship which shall be used or employed contrary to any regulations made under section 55 shall be forfeited unless the same shall have been specially licensed by the Collector to be so used or employed, as next hereinafter provided.

Licences for small craft.

57. The Collector may, if he thinks fit, grant licences in respect of any ships not exceeding one hundred tons burden upon such terms and conditions, and subject to such restrictions and stipulations as in such licences mentioned, notwithstanding any general regulations made as aforesaid, whether the said regulations shall be revoked or not; and if any ship so licensed shall not comply with the conditions imposed by or expressed in any such licence, or if such ship shall be found without having such licence on board, such ship shall be forfeited. The Collector may revoke, alter or vary any licence granted as aforesaid.

Accommodation of Officer.

58. If the master of any ship on board of which any Officer is stationed shall neglect or refuse to provide every such Officer with proper and sufficient food and suitable bedding accommodation under the deck, he shall incur a penalty of twenty pounds.

Report.

59. The master of every aircraft or ship, whether laden or in ballast, or his agent, shall (except as otherwise provided in any regulations made under this Ordinance) within twenty-four hours after arrival from any place outside the Colony at any port, or at any place specially allowed by the Collector, make report of such aircraft or ship, and its stores and cargo, to the Collector on the prescribed form in the prescribed manner, and giving the prescribed particulars.

Certain goods to be separately reported.

60. Every report required by section 59 shall show separately any goods which are to be transferred to another aircraft or ship for re-exportation, and shall state whether there be any goods which are to remain on board for exportation in the same aircraft or ship; and such report shall, except where otherwise specially allowed by the Collector, give a particular account of all goods remaining on board for exportation, and shall be made before bulk be broken.

Certain goods to be reported before breaking bulk.

61. The master of any aircraft or ship shall make report of any packages or parcels for which no bill of lading has been issued, before bulk be broken, unless the Collector shall otherwise allow.

Penalty for not making due report.

62. If the master of any aircraft or ship, or his agent, shall fail to make due report, or if any of the particulars contained in such report be false, such master, or his agent, shall incur a penalty of one hundred pounds, and all goods not duly reported shall be forfeited, unless the omission is explained to the satisfaction of the Collector.

Penalty for not accounting for package reported.

63. If any package or parcel reported (except as remaining on board as stores or for re-exportation or, with the permission of the Collector, for direct transfer to another aircraft or ship for use as stores or for re-exportation) shall not be duly unloaded, removed and deposited in a customs area or other place approved by the Collector, and shall not be duly entered and cleared therefrom in accordance with the customs laws, or else shall not be produced to the proper Officer for deposit or be deposited in the King's warehouse in accordance with the provisions of section 82, the master or his agent shall pay the duty thereon, and, in addition, a penalty of five pounds in respect of each such package or parcel, unless he shall explain the failure to unload, remove and deposit or produce such package or parcel as aforesaid to the satisfaction of the Collector.

64. No goods may be imported as aircraft's or ships' stores except such as are required for consumption or use by or for the aircraft or ship, its officers, crew and passengers, and any goods not so required (other than the *bona fide* baggage of passengers) shall for all purposes be deemed to be the cargo of such aircraft or ship.

What is cargo.

65. The master or agent shall (a) answer immediately all such questions relating to the aircraft or ship, its cargo, stores, baggage, crew, passengers and flight or voyage as shall be put to him by the proper Officer and (b) produce all such books and documents in his custody or control relating to the aircraft or ship, its cargo, stores, baggage, crew, passengers and flight or voyage as the proper Officer may require and (c) before any person (unless permitted by the proper Officer) disembarks, deliver to the Officer who boards such aircraft or ship on arrival at any port or place a list containing the names of each passenger on board such aircraft or ship, and also, if required by such Officer the names of the master, and of each officer and member of the crew; and if such list be not correct and complete, unless the inaccuracy or omission is explained to the satisfaction of the Collector, or if he shall not observe any of the provisions of this section, the master or his agent shall in respect of every such offence incur a penalty of one hundred pounds.

Master to answer questions.

66. If after arrival within the Colony or the waters thereof bulk shall be broken contrary to section 60 or section 61, or any alteration made in the stowage of the cargo of any aircraft or ship so as to facilitate the unloading of any part of such cargo before such aircraft or ship shall have arrived at her proper place of unloading, or, not being an aircraft or ship specially allowed so to do, before report of such aircraft or ship shall have been made as hereinbefore provided, or if at any time after arrival as aforesaid any goods be staved, destroyed or thrown overboard, or any package be opened without the knowledge and consent of the proper Officer, in every such case the master or his agent shall incur a penalty of one hundred pounds, unless cause be shown to the satisfaction of the Collector.

Penalty for wrongly breaking bulk.

67. The master of every aircraft or ship or his agent shall, if required, deliver to the Collector at the time of making report the clearance of such aircraft or ship, if any, from the port or ports from which such aircraft or ship shall have arrived.

Master to deliver previous clearance.

68. The master of every vessel arriving from any port out of the Colony at any port of the Colony other than Stanley, for the purpose of landing or receiving cargo, shall, upon being admitted to entry inwards, pay to the Officer at such port a duty of one shilling per ton on the registered tonnage of such vessel: Provided that no vessel shall be liable to a payment of a larger amount than ten pounds in respect of the aforesaid duty on each entry, and no vessel shall be suffered to clear out until the said duty has been paid, and the same and other duties collected by such Officer, shall be transmitted with all convenient speed by such Officer to the Treasurer at Stanley. All vessels liable to the payment of tonnage duties shall be liable to the same only for the first two voyages after the first day of January in any one year, and after payment of tonnage duties on such two voyages, shall be exempt from any further duties during the remainder of such year.

Tonnage dues.

69. Any Officer may seize any aircraft or ship found abandoned within the Colony or the waters thereof, and such aircraft or ship shall be forfeited, unless the owner shall claim the same within one month of the date of seizure, and satisfy the Collector that the requirements of the customs laws have been complied with.

Ship abandoned may be seized.

70. All inward cargo, shall be examined and cleared by the proper Officer in Stanley or, in the case of goods consigned to the Dependencies, by the proper Officer in the Dependency concerned, before delivery. The Collector shall, however, in circumstances

Examination and Clearance of goods.

which, in his opinion, so merit, have power to authorise the landing (subject to the approval of the Director of Agriculture) of livestock, agricultural materials and agricultural machinery at ports or places other than Stanley, without prior examination by the Customs Authorities in Stanley.

Unloading, entry, removal and delivery of goods.

71. Save in accordance with any regulation made under this Ordinance, or with the written permission of the Collector -

- (a) No goods shall be unloaded from any aircraft or ship arriving from any place outside the Colony unless authority for unloading the same has been given by the proper Officer.
- (b) No goods shall be unloaded from any aircraft or ship arriving from any place outside the Colony, except at an approved place of unloading or sufferance wharf approved for the purpose and all goods when so unloaded, and all goods which shall have been put into a vessel to be landed shall immediately upon being unloaded or landed be conveyed in the care of the proper Officer into the customs area, or to a King's warehouse if the Collector shall so require.
- (c) No goods shall be removed from any part of the customs area or from the King's warehouse into which the same shall have been conveyed unless such goods shall have first been duly reported and entered, and authority for the removal or delivery of the same has been given by the proper Officer.
- (d) Goods entered to be warehoused shall be removed by the importer by such ways, in such manner and within such time as the proper Officer shall direct to the warehouse for which the same are entered, and delivered into the care of the Officer in charge of the warehouse; provided that, if the Collector shall so require, the importer shall first enter into a bond for the due warehousing of such goods.

As to goods other than cargo.

72. The provisions of section 71 shall apply to the cargo of the aircraft or ship only. No goods whatsoever other than cargo, duly reported as such, shall be taken out of any aircraft or ship arriving from any place outside the Colony or delivered to any person aboard such aircraft or ship other than for the consumption or use of the crew or passengers thereof except under such conditions (which conditions may vary the procedure as to reporting the aircraft or ship as required by this Ordinance) as may be prescribed in any regulations made under this Ordinance or directed by the Collector in any particular case. The term "goods" in the expression "no goods whatsoever" shall include passengers' baggage, stores, and any goods which may be taken on board any aircraft or ship arriving from any place outside the Colony while such aircraft or ship is within the Colony or the waters thereof.

Forfeiture.

73. If any goods shall be unloaded, removed or dealt with contrary to the provisions of section 71 or section 72, or to the terms and conditions contained in any written permission given by the Collector, they shall be forfeited.

Delivery of bullion and coin.

74. Notwithstanding anything hereinbefore contained, it shall be lawful for the Collector to permit the delivery to the importer of any bullion or coin under the authority of the proper Officer without entry thereof, but if such importer shall not within forty-eight hours after the same shall have been removed from the importing aircraft or ship deliver to the proper Officer a full and true account thereof, including its weight and value, he shall incur a penalty of twenty pounds.

Entry in absence of documents.

75. If the importer of any goods shall not be able to furnish full particulars of such goods for want of any documents or informa-

tion concerning them (other than documents or information relating to the origin of such goods required by regulations made under section 8) he shall make and subscribe a declaration in the prescribed form to that effect before the Collector or proper Officer, and the Collector shall thereupon permit the importer to examine and enter the said goods, notwithstanding that there shall not be satisfactory documentary evidence regarding the same, and may allow delivery of the said goods, provided that the Collector is satisfied that the description of the goods for tariff and statistical purposes is correct and also, in the case of goods liable to duty *ad valorem*, that the value declared on the entry is approximately correct and in the case of goods liable to duty according to the weight or measurement thereof, that the weight or measurement declared on the entry is correct.

76. In the case of goods liable to duty *ad valorem* the entry made in accordance with section 75 shall be deemed provisional. The amount estimated as the duty for the purpose of making such provisional entry shall be held on deposit; and the importer shall also deposit with the Collector, in addition to the amount deposited as the estimated duty on the said goods, such sum as the Collector may require, not being less than one-half of the amount deposited as the estimated duty.

Entry provisional.

77. The sum deposited as the estimated duty as aforesaid shall be brought to account as duty, and the additional sum deposited shall be forfeited, unless the importer shall within three months, or such further period as the Collector may in any special circumstances allow, produce to the Collector satisfactory evidence of the value, and make final entry of such goods, in which case so much of the sums deposited as shall be necessary shall be brought to account as duty and the balance returned to the person who deposited the same.

Disposal of deposit.

78. The Collector may retain such samples of the goods entered under section 75 for such period up to the final entry of such goods as he shall require, and the proper Officer shall make inventory of the said goods.

Samples to be retained.

79. If the importer, having made a declaration in accordance with section 75, shall not make entry as therein provided, or if the Collector is not satisfied as aforesaid (in which case any entry which shall have been made shall be *ipso facto* void), the Collector shall cause the goods referred to in such declaration to be deposited in a King's warehouse and dealt with as provided in section 83.

Goods not entered after declaration.

80. Notwithstanding anything hereinbefore contained, if the Collector is satisfied, whether before or after the warehousing under section 79 of any goods liable to duty *ad valorem*, that it is impossible for the importer to obtain satisfactory documentary evidence of the value of such goods, or if in any case the documentary evidence relating to such goods, though not complete, is in the opinion of the Collector sufficient to enable a reliable estimate of the value to be made, it shall be lawful for the Collector to permit such goods to be entered according to a value which two Officers to be appointed by the Collector for the purpose are satisfied is, as nearly as may be estimated, and not less than, the correct value of such goods.

Power to waive production of documents.

81. Where the Collector permits any goods to be entered in the absence of any document under the provisions of section 80, it shall be lawful for him to require the person entering the goods to deposit with him such additional sum as he shall require, not exceeding one-half of the duty paid upon such goods. Any sum so deposited shall be forfeited unless the person entering the goods shall produce the required document within three months of the date of entry, or unless he shall explain his failure to the satisfaction of the Collector.

Deposit in certain cases.

Goods not entered or delivered to be deposited in King's Warehouse.

82. If any goods imported in any aircraft or ship shall remain on board such aircraft or ship, or having been unloaded, shall not be entered and also delivered from the customs area within ten days from the date of importation, or such further period as the Collector may in any special circumstances allow, then such goods shall be deposited in such King's warehouse as the Collector shall direct by the agent of such aircraft or ship, or by the Collector, if there be no agent, or if the agent shall not act forthwith as herein required. Such goods shall be subject to rent and other charges as if they were goods warehoused in a King's warehouse in pursuance of an entry for warehousing.

Goods warehoused may be sold.

83. (1) Where under the provisions of this Ordinance any goods are required to be deposited in a King's warehouse, and such goods are of a perishable nature, then it shall be lawful for the Collector, notwithstanding such provisions, to sell the same forthwith by public auction; and if such goods, though not perishable, are of a kind not permitted, by any other provision of law, to be deposited in a King's warehouse, it shall be lawful for the Collector, notwithstanding such provisions, to sell the same by public auction after fourteen days' notice by publication in the Gazette.

(2) Where any goods are deposited in a King's warehouse under the provisions of this Ordinance, and the same are not entered for warehousing or delivery from such King's warehouse within three months after such deposit, or within such further period as the Collector may direct, and all charges for removal, freight, and rent, and all other expenses incurred in respect thereof, duly paid, such goods may be sold by public auction after one month's notice being given by publication in the Gazette.

(3) In all cases where goods are sold under the provisions of this section, the proceeds shall be applied first in discharge of duties (if any), of the expenses of removal and sale, and of rent and charges due to the Government, and then of freight and other charges; and the balance, if any, shall be paid to the owner of the goods on his application for the same, if such application be made within two years from the time of the sale of such goods, but otherwise shall be paid into the general revenue of the Colony.

Goods not sold on being offered for sale.

84. If any goods on being offered for sale as aforesaid cannot be sold for a sum to pay all duties, expenses, rent and charges, the same may be destroyed, or otherwise disposed of as the Governor may direct.

Goods warehoused may be examined.

85. It shall be lawful for the Collector to cause any goods required to be removed under this Ordinance to a King's warehouse to be opened for examination by any Officer, as often as may be required, at the expense of the owner of such goods.

Goods may be entered by shipowner.

86. Where the owner of any goods imported in any ship into the Colony fails to make entry thereof, or having made entry, fails to land the same or to take delivery thereof by the times severally hereinafter mentioned, the shipowner or master or the agent of either, may make entry of the said goods at the times, in the manner, and subject to the conditions following, that is to say:—

- (a) If a time for the delivery of the goods is expressed in the charter party, bill of lading or agreement, then at any time after the time so expressed; and
- (b) If no time for delivery of the goods is expressed in the charter party, bill of lading or agreement, then at any time after the expiration of seventy-two hours, exclusive of a Sunday or public holiday, after the report of the ship:

Provided that if at any time before the goods are landed or unshipped, the owner of the goods is ready and offers to land or take

delivery of the same, he shall be allowed to do so, and his entry shall, in such case, be preferred to any entry which may have been made by the shipowner or master, or the agent of either.

87. The periods of time mentioned in sections 82 and 86 shall be computed from the time at which the aircraft or ship and goods shall have been released from any quarantine to which they may have been subjected.

Computation of time.

88. On the arrival of any vessel from any port out of the Colony at any port in the Colony it shall be lawful for the Collector to send one or more Officers on board of such vessel to remain on board at the discretion of the Collector till all goods are landed from such vessel, and the duties (if any), shall have been paid or otherwise accounted for to the satisfaction of the Collector, and there shall be paid for the services of every Officer so proceeding or remaining on board, as aforesaid, by the master or consignee of such vessel to the Treasurer for the purposes of general revenue, the sum of ten shillings for every day or part of a day during which such Officer shall be so employed.

Officer may remain on board at discretion of Collector: charge for Officers' services.

89. No person whether a passenger or not, shall disembark or go ashore from, or go on board any aircraft or ship that shall have arrived within the Colony or the waters thereof, save at such times, by such means, and by such ways as may be prescribed in any regulations made under this Ordinance, or otherwise as the Collector may allow.

Restrictions as to passengers and other persons.

WAREHOUSED GOODS AND GOODS DEPOSITED IN A CUSTOMS AREA.

90. It shall be lawful for the Governor from time to time by notice in the Gazette to declare what kind of goods, shall or may be warehoused upon first importation, without payment of duty thereon; and any such goods, while in any warehouse, and all goods whatsoever while in any customs area, shall be subject to such regulations as may be made under this Ordinance, and, in the case of goods deposited in a King's warehouse or customs area in the occupation or use of the Government, to the payment by the owner of such goods, at the prescribed times, of such rent and other charges as the Governor shall from time to time direct by notice in the Gazette; and if at any time any such rent or other charges shall not be paid to the Collector when due and payable on any goods in any such King's warehouse or customs area, such goods may, without prejudice to any other lawful method of recovery, be sold, or otherwise dealt with, and any proceeds applied, as if they were goods which might be sold, or otherwise dealt with under the provisions of sections 117 and 118.

Warehouse.

91. No compensation shall be payable by Government to any importer, owner or consignee of any goods deposited in a King's warehouse or in a customs area in the occupation or use of Government, save when loss or damage occurs as the direct result of the wilful act or negligence of Government or of an Officer.

Compensation for damage to goods deposited in King's Warehouse.

92. Where under the customs laws any goods are or may be required to be deposited in a King's warehouse, and for any reason the Collector may in his discretion decide that it is undesirable or inconvenient to deposit such goods in a King's warehouse, such goods shall for all purposes be deemed to be deposited in a King's warehouse as from the time that the same are required to be deposited in a King's warehouse, and shall also be chargeable with such expenses for securing, watching and guarding, and of removing the same from the original to some other place or deposit (if the Collector shall so require) as the Collector shall deem reasonable, and neither the Collector nor any Officer shall be liable to make good any damage which such goods may sustain by reason or during the time of their being so deposited and dealt with as aforesaid.

Goods deemed to be in King's Warehouse.

Private warehouses
and customs areas.

93. No building or place may be used as a private warehouse, or, save with the written permission of the Collector, as a customs area, until a bond, in such sum as may from time to time in each case be required by the Collector, is given by the warehouse-keeper, or by the owner or occupier of the customs area, as the case may be, with one or more sufficient sureties, conditioned on due payment of all duties and the due observation of the provisions of the customs laws.

Hulk warehouse.

94. In all cases where it may be expedient to constitute a hulk a warehouse such hulk shall be fitted with a secure store room, and the key of such store room shall be in the custody of an Officer, who shall keep a correct account of all dutiable goods removed from the importing vessel and placed therein, but no goods shall be kept on board any such hulk for a longer period than seven days, unless by special permission in writing of the Collector, and any such goods received on board any hulk without being placed in such secure store room as aforesaid, shall be liable to forfeiture; and the owner of such hulk shall be liable to a penalty not exceeding fifty pounds for each offence. The removal of any such goods to and from such hulk shall be carried out in the presence of one or more Officers, and there shall be paid by the owner of such hulk the sum of ten shillings per day for the services of each Officer so employed and the Collector may send one or more Officers on board such hulk there to remain during the time any dutiable goods shall be on board and the owner of such hulk shall pay for the service of each Officer at the above mentioned rate.

Officers not liable for
wrong delivery.

95. No action shall be brought against the Government or any of its Officers for loss or damage sustained by goods while in any private warehouse or private customs area or hulk warehouse or for any wrong or improper delivery of goods therefrom.

Warehouse-keeper,
etc. not to enter ware-
house without per-
mission.

96. The owner or occupier of any customs area or a warehouse-keeper shall not by himself or by any person in his employ open or gain access to any building in a customs area or transit shed or private warehouse except in the presence or with the knowledge and consent of an Officer acting in the execution of his duty.

Owner of warehouse,
etc. to provide facil-
ities.

97. The owner of any private warehouse or customs area shall provide such office accommodation and weights, scales, measures and other facilities for examining and taking an account of goods and for securing the same as the Collector may require.

Revocation of order
approving warehouse.

98. On the revocation of the appointment of any private warehouse, the duties on all the goods warehoused therein shall be paid or the goods shall be exported or removed to another warehouse within such time, not less than three months, as the Collector may direct. Notice in writing of such revocation addressed to the warehouse-keeper of the private warehouse, and left thereat, shall be deemed to be notice to all persons interested in the goods.

Disposal of goods on
revocation.

99. If any goods shall not be duly exported or removed in conformity with section 98 such goods shall be taken to a King's warehouse by an Officer, and may be sold, or otherwise dealt with, and any proceeds applied as if they were goods which might be sold or otherwise dealt with under the provisions of section 83.

Procedure as to ware-
housing.

100. Upon the delivery of any goods entered to be warehoused into the care of the Officer in charge of any warehouse, such Officer shall, subject to any other direction of the Collector, whether account has been taken of such goods on the quay or elsewhere, or not, take for that purpose the name of the importing aircraft or ship, and of the person in whose name such goods are entered, the number of packages, the mark and number of each package, and the description of the goods; and when the same shall have been deposited in the

warehouse, with the authority of such Officer, he shall certify at the foot of the account that the entry and warehousing of the goods is complete, and such goods shall from that time be considered goods duly warehoused.

101. All goods warehoused shall be deposited in the packages in which they are imported, except such goods as are permitted to be skipped on the quay, or bulked, sorted, lotted, packed or repacked in the warehouse, in which case they shall be deposited in the packages in which they are contained when the account thereof is taken by the proper Officer on the completion of such operation.

Goods to be ware-
housed in packages in
which imported.

102. If in the case of goods warehoused in a private warehouse any alteration shall afterwards be made in the goods or packages so deposited, or in the packing thereof in the warehouse, or in the marks or numbers of such packages, or if the same shall be removed from the part of the warehouse in which they were deposited, without the presence and sanction of the proper Officer, except for delivery after they have been duly entered, and under the authority of the proper Officer, such goods shall be forfeited.

Penalty for inter-
fering with storage of
goods in a private
warehouse.

103. The Collector may direct in what different parts or divisions of any warehouse or customs area and in what manner any goods shall be deposited therein, and if any goods are deposited contrary to such directions, the occupier of such warehouse or customs area shall in respect of every package so deposited incur a penalty of five pounds, together with a further penalty of one pound for each day during which any such package shall remain so deposited.

Collector may direct
stowing of goods.

104. If the occupier of any warehouse or customs area or any part thereof shall neglect the goods deposited therein so that easy access may be had to every package and parcel thereof, he shall, for every such neglect, incur a penalty of five pounds, together with a further penalty of one pound for each day during which such neglect continues.

Penalty for neglect to
stow goods properly.

105. If the occupier of any warehouse or customs area, or any part thereof, shall not produce to any Officer, on his request, any goods deposited in such warehouse or customs area, or any part thereof, which shall not have been duly entered and delivered therefrom, such occupier shall, for every such neglect, incur a penalty of five pounds in respect of every package or parcel not so produced, and shall pay the duties due thereon.

Warehoused goods to
be produced to Officer.

106. If any goods entered to be warehoused shall not be duly warehoused by the importer in pursuance of such entry, or if any goods whatsoever, being duly warehoused or deposited in a customs area, shall be in any way concealed in or removed from the warehouse or customs area, or abstracted from any package, or transferred from one package to another, or otherwise, for the purpose of illegal mixing, removal, or concealment, they shall be forfeited.

Penalty for not ware-
housing etc.

107. If any person shall clandestinely open any warehouse or transit shed or, except in the presence of the proper Officer acting in the execution of his duty, gain access to the goods therein, he shall for every such offence, incur a penalty of one hundred pounds; and if any person shall enter any warehouse or any part of a customs area when forbidden by any Officer, or refuse to leave any warehouse or any part of a customs area when requested to do so by any Officer, he shall incur a penalty of ten pounds.

Penalty for illegally
opening warehouse or
customs area.

108. If any goods required to be previously entered shall be taken out of any warehouse or customs area without being duly entered (except as permitted by the customs laws), the warehouse-keeper or the occupier of any part of a customs area where such goods shall have been deposited shall forthwith pay the duties due upon such goods; and every person taking out any goods from any

Penalty for embez-
zling warehoused
goods etc.

warehouse or customs area, without the same having been duly entered (except as aforesaid), or who shall aid, assist, or be concerned therein, and every person who shall destroy or embezzle any goods duly warehoused or deposited in a customs area shall be guilty of an offence, and shall, on conviction, on an information laid against him in the Supreme Court, be liable to imprisonment with or without hard labour, for any term not exceeding two years; but if such person shall be an Officer not acting in the due execution of his duty, and shall be prosecuted to conviction by the importer, consignee, or owner of such goods, no duty shall be payable for or in respect of such goods, and the damage occasioned by such destruction or embezzlement shall, with the sanction of the Governor in Executive Council, be repaid or made good to such importer, consignee, or owner by the Treasurer.

Collector may do reasonable acts to warehoused goods.

109. The Collector shall have power at the expense of the owner of goods warehoused in a King's warehouse, or deposited in a customs area in the occupation or use of the Government, to do all such reasonable acts as may by him respectively be deemed necessary for the proper custody and preservation of such goods, and shall have a lien on the said goods for expenses so incurred; but no such acts shall be done until the expiration of twenty-four hours after the owner of such goods has been notified that such acts are required, unless the Collector shall in his discretion decide that immediate action is necessary for the proper custody or preservation of the goods as aforesaid.

Owner to pay cost of action taken under section 109.

110. The importer or owner of any such goods shall pay any expenses incurred in respect thereof under section 109 at such times and in such manner as the Collector shall either generally or in any particular case direct, and if any such expenses be not paid in accordance herewith, such goods may be sold or otherwise dealt with, and any proceeds applied as if they were goods which might be sold or otherwise dealt with under the provisions of section 118.

Removal of warehoused goods to another warehouse.

111. The removal of warehoused goods from a warehouse to any other warehouse shall be subject to any regulations made under this Ordinance and to such other conditions as the Collector may direct.

Procedure on delivery.

112. On the delivery of any goods for removal as aforesaid, an account containing the particulars thereof shall be transmitted by the proper Officer of the port or place of removal to the proper Officer of the port or place of destination, and the person requiring the removal thereof shall enter into a bond, with such security or securities as the Collector shall require, in a sum equal at least to the duty chargeable on such goods, for the due arrival and re-warehousing thereof at the port or place of destination within such time as the proper Officer may direct; and such bond shall not be discharged unless such goods shall have been produced to the proper Officer and duly re-warehoused at the port or place of destination within the time directed by the proper Officer as aforesaid, or unless the full duties of customs shall have been paid thereon as provided in section 114, or unless such goods shall have been otherwise accounted for to the satisfaction of the Collector, nor until the full duties due upon any deficiency of such goods not so accounted for shall have been paid.

Goods removed subject to warehouse regulations.

113. Upon the arrival of such goods at the port or place of destination, they shall be entered and warehoused, as nearly as may be subject to the laws, rules and regulations, which apply to the entry and warehousing of goods on first importation.

May be entered for use in the Colony or exportation.

114. If, upon the arrival of goods so removed as aforesaid at the port or place of destination, the parties shall be desirous forthwith to export the same, or to pay duty thereon for use within the Colony, without actually lodging the same in the warehouse for

which they have been entered and examined to be re-warehoused, the Officer at such port or place may permit the same to be entered and delivered for home use, or, after all the formalities of entering and examining such goods for re-warehousing have been duly performed, to be entered and loaded for exportation, as if such goods had been actually lodged in such warehouse.

115. If any goods taken from a warehouse for removal or for exportation or use as aircraft's or ships' stores shall be removed or put on board an aircraft or ship, except with the authority or under the care of the proper Officer, and in accordance with any regulations made under this Ordinance, and in such manner, by such persons and within such time, and by such roads or ways, as such Officer shall permit or direct, such goods shall be forfeited; and if any such goods shall be illegally removed or carried away prior to being put on board the exporting or removing aircraft, ship or carriage, or from any exporting or removing aircraft, ship or carriage, in or on which the same shall have been put, the bond given in respect thereof shall be forfeited, and may forthwith be put in suit for the penalty thereof, although the time prescribed in such bond for putting the goods on board the exporting aircraft or ship, or re-warehousing such goods at the place of destination, shall not have expired; and all such goods shall be forfeited.

Removal, etc. to be subject to certain conditions.

116. Notwithstanding anything hereinbefore contained, the Collector may, if in his discretion he shall decide that such action is advisable, remove goods at the cost of Government from one King's warehouse to another in any manner he may deem reasonable.

Collector may remove goods warehoused in King's warehouse.

117. All warehoused goods shall be entered and delivered either for use within the Colony, or as aircraft's or ships' stores, or for exportation not later than two years after the day on which the same were warehoused, or within such further period and in such cases as the Collector shall direct unless the owner of such goods shall be desirous of re-warehousing the same, in which case the same shall be examined by the proper Officer, and the duties due upon any deficiency or difference between the quantity ascertained on importation and the quantity found to exist on such examination, together with the necessary expenses attendant thereon, and any charges incurred in respect of the said goods, shall, subject to such allowances as are by law permitted in respect thereof, be paid to the Collector; and the quantity so found shall be re-warehoused in the name of the then owner in the same manner as on first importation; Provided that if the owner shall, with the concurrence of the warehouse-keeper, desire to re-warehouse the same according to the account taken at the importation thereof, without re-examination, such re-examination may be dispensed with, the Officer being satisfied that the same are still in the warehouse, and that there is no reason to suspect that there is any undue deficiency; but the warehouse-keeper shall be liable to make good the duty on any deficiency not allowed by law which may be discovered in the goods at the time of delivery thereof, or any earlier time.

Re-warehousing.

118. If any warehoused goods shall not be duly entered for use within the Colony, or as aircraft's or ships' stores, or exported or re-warehoused, and the duties ascertained to be due on the deficiencies as aforesaid and any charges and expenses shall not be paid at the expiration of two years from the previous entry and warehousing thereof or within such further period as shall be directed as aforesaid the same shall, after one month's notice by advertisement in the Gazette, with all convenient speed be sold by public auction, and the proceeds thereof shall be applied to payment of the duties, expenses of the sale, and of any rent and charges due to the Government, then in discharge of any lien for freight and other charges, and the surplus, if any, shall be paid to the owner of such goods on his application for the same within two years from the time of sale, but otherwise shall be paid into the general revenue of the Colony;

Disposal of goods not re-warehoused.

and if such goods, on being so offered for sale, cannot be sold for a sum to pay all duties, expenses, rent and charges due to the Government, then the same may be destroyed or otherwise disposed of as the Governor may direct; and the duties due upon any deficiency in any warehoused goods not allowed by law shall be forthwith paid by the warehouse-keeper.

Freight on goods warehoused.

119. Any Officer having the custody of any goods which shall have come into his hands under this Ordinance shall refuse delivery thereof from a King's warehouse or other place of deposit until proof be given to his satisfaction that the freight due on such goods has been paid; provided that this section shall not apply to goods which shall have been warehoused in pursuance of an entry for warehousing.

Warehouse goods entered or sold must be removed within 14 days.

120. If any goods shall remain in any warehouse for a period of fourteen days after being entered for use within the Colony, or after being sold by public auction under the customs laws, they shall be forfeited and disposed of in such manner as the Governor may direct, unless the failure to remove the same shall be explained to the satisfaction of the Collector.

Delivery in special circumstances.

121. The Collector may permit any goods to be taken out of any warehouse or customs area without payment of duty for such purpose and for such period as to him may appear expedient, and in such quantities, and under such regulations and restrictions, and with such security by bond for the due return thereof, or the payment of the duties due thereon, as he may direct or require; and if any such goods shall be dealt with in any way contrary to the terms of such permission or to such regulations or restrictions, the same shall be forfeited.

Stores.

122. The Collector may permit warehoused goods to be delivered as stores for a ship of not less than thirty tons burden, or an aircraft, in accordance with section 148; and if any goods taken from a warehouse for use as stores shall not be duly put on board the aircraft or ship for which the same are entered, or otherwise accounted for to the satisfaction of the Collector, or shall be dealt with in any way contrary to the customs laws, such goods shall be forfeited.

Duty to be paid according to original account.

123. The duties to be paid when warehoused goods are entered for use within the Colony shall not be less in amount than would have been payable according to the value or quantity thereof at the time of importation except as to the following goods, namely, tobacco in leaf, oil in casks, wine in casks, malt liquor in casks, and spirits in casks, the duties whereon, when cleared from the warehouse for use within the Colony, shall be chargeable upon the quantity of such goods ascertained by weight, measure, or strength at the time of actual delivery thereof, unless there is reasonable ground to suppose that any portion of any deficiency has been caused by illegal abstraction.

Goods entered for exportation exempt from import duty.

124. Subject to the observance by the exporter of all the provisions of the customs laws and of the conditions of any bond, no import duty shall be charged in respect of any goods entered under bond for the due exportation and landing thereof in a place outside the Colony, or for use as aircraft's or ships' stores in accordance with section 148, and delivered from any warehouse or customs area, unless the Collector has reasonable grounds to suppose that any deficiency in any such goods, or any part thereof, has arisen from illegal abstraction, in which case duty shall be paid on such deficiency by the owner of such goods.

LOADING AND EXPORTATION OF GOODS.

Entry Outwards.

125. The master of every ship, in which any goods are to be exported, or his agent, shall, before any goods be taken on board, deliver to the proper Officer at the port at which such ship shall have

first arrived an entry outwards of such ship, verified by his signature, in the prescribed form, and containing the several particulars indicated in or required thereby, and in such entry outwards the master or his agent shall declare that no imported goods are left on board such ship other than such goods and stores as shall be specified in the entry outwards.

126. The master of every ship to which provisions of section 125 apply shall if required obtain from the proper Officer a certificate of rummage in the prescribed form. If he desires to obtain such certificate before the whole of the inward cargo of the ship has been discharged, he shall remove and stow the inward cargo remaining on board such ship in such manner as such Officer shall direct in order to enable him to rummage the ship, and after the ship has been rummaged, shall stow the inward cargo remaining on board separately and keep it separate to the satisfaction of the proper Officer from any coastwise or any outward cargo that may subsequently be put into such ship.

Rummage certificate may be granted before completion of discharge.

127. Before any aircraft or ship required to report at any port in the Colony shall depart therefrom to load cargo at another port or place in the Colony, the master or his agent shall, in respect of each port or place at which he desires to load cargo, obtain from the proper Officer a loading licence in duplicate in the prescribed form, and containing the prescribed particulars, and signed by such Officer, and, before leaving the port at which such licence is issued, shall enter on both copies of the licence particulars of the cargo and of any stores loaded or remaining on board from the inward voyage at such port.

Loading Licence.

128. After the loading of any goods under the authority of a loading licence shall have been completed, the master shall proceed with such aircraft or ship forthwith to an approved port, where all the provisions of the customs laws shall be complied with, as nearly as may be, as if such goods had been loaded at such port, unless the proper Officer shall otherwise direct.

Procedure after loading under loading licence.

129. When loading has been completed at any port or place for which a loading licence has been issued, before the aircraft or ship departs from such port or place, the master or his agent shall enter on both copies of the licence particulars of the cargo loaded and of any stores taken on board at such port or place, showing the number of packages loaded and the quantity and description of the goods, and shall sign the same and deliver one copy to the proper Officer at the port of loading before leaving the port, or, if the goods have been loaded at a place other than a port, then at such place and to such person as shall be named in the licence; and the master or his agent shall deliver the remaining copy of the licence together with the content required to be delivered to the proper Officer in accordance with section 151.

Completion and delivery of licence after loading.

130. If any goods shall be taken on board any aircraft or ship at any port or place contrary to the provisions of sections 125 to 129, or if any of the requirements of the said sections 125 to 129 shall not be observed, the master of such aircraft or ship or his agent shall incur a penalty of one hundred pounds.

Penalty for breach of sections 125 to 129.

131. Nothing contained in sections 125 to 129 shall be deemed to authorise the loading of goods except from an approved place of loading, unless specially allowed by the Collector under section 137.

Limitation of authority granted as aforesaid.

132. The Governor may by notice to the Collector in writing under his hand direct that any or all of the provisions of sections 125 to 130 shall not apply to aircraft, either generally, or in any particular case, during any period specified in the notice.

Non application to aircraft.

133. On arrival at any port or place in the Colony of any ship, about to deliver cargo at more than one port or place in the

Restrictions as to carriage coastwise.

Colony, or having on board any goods duly reported for exportation in the same ship, it shall be lawful, subject to any regulations made under this Ordinance, or to such conditions as the Collector may deem necessary to allow the entry outwards of such ship, and to permit the loading of goods for exportation in such ship or for carriage coastwise as provided in section 161, before the whole of the goods imported in such ship shall have been discharged therefrom, the complete separation of such goods from the inward cargo and from any cargo remaining on board for exportation being effected to the satisfaction of the proper Officer.

Restriction on exportation of certain goods.

134. No person shall export or attempt to export any warehoused goods, or goods liable to duties of customs transferred from an importing aircraft or ship, or goods entitled to drawback on exportation (not being wines, spirits, tobacco, cigars, cigarillos or cigarettes), nor shall enter or attempt to enter any such goods for exportation in any ship of less burden than five tons.

Penalty.

135. Any person who shall export or enter or attempt to export or enter, any goods contrary to section 134 or place any goods on board a ship of less size than is thereby permitted for exportation shall incur a penalty of fifty pounds, and such goods shall be forfeited.

General provisions as to loading and exportation of goods.

136. Except as provided in section 137, no goods shall be put on board any aircraft or ship for exportation or use as stores, or be put into any vessel to be water-borne, or be water-borne, to be put on board any aircraft or ship for exportation or use as stores from any port or place in the Colony without the authority of the proper Officer, nor before any due entry outwards of the exporting aircraft or ship, if the same is by law required to be entered outwards, nor before such goods are duly entered, and no goods having been put into any vessel to be waterborne to any aircraft or ship for exportation or use as stores, shall be put on board the exporting aircraft or ship outside the limits of any port; and it shall be lawful for any Officer to open and examine all goods put on board any aircraft or ship or brought to any place in the Colony to be put on board an aircraft or ship for exportation or for use as stores.

Collector may relax conditions of shipment.

137. Notwithstanding the provisions of section 136, it shall be lawful for the Collector to permit any goods to be put on board any aircraft or ship under such conditions as he may either generally or in any particular case direct, and in like manner the Collector may direct what goods need not be entered by the exporter until after the departure of any aircraft or ship, but if any such goods must be entered within twenty-four hours of such departure, unless the Collector shall otherwise allow; provided that where any goods are permitted to be entered after being put on board, the Collector may in such case require the agent of the master or owner of the aircraft or ship to give security for the payment of any export duties of customs on any goods liable thereto under such conditions, and subject to such charges to be paid to the agent by the exporter of any such goods, as the Governor in Executive Council may prescribe.

Vessels loading goods into ship to proceed direct.

138. Any goods which have been put into any vessel to be water-borne to any aircraft or ship for exportation or use as stores shall be taken directly and without delay to the aircraft or ship in which the same are to be exported or used as stores, and put on board forthwith.

Permission required to discharge goods loaded.

139. No goods having been put on board any aircraft or ship in accordance with section 150, or for exportation, or as stores, shall be discharged in any part of the Colony without the written permission of the proper Officer, and except in accordance with such conditions as the Collector shall impose.

Forfeiture on breach of sections 136 to 139.

140. If any person shall put or attempt to put any goods on board any aircraft or ship or discharge, or attempt to discharge, or

deal with any goods in any way contrary to the provisions of sections 136 to 139 such goods shall be forfeited.

141. If any Officer shall place any lock, mark or seal upon any goods or stores taken on board any aircraft or ship in the Colony, and such lock, mark or seal be wilfully opened, altered or broken, or if such goods or stores be secretly conveyed away either while such aircraft or ship remains in the Colony, or on her passage from one port or place in the Colony to another before the final departure of such aircraft or ship on a flight or voyage to a place outside the Colony, the master shall incur a penalty of one hundred pounds, and such goods or stores shall be forfeited.

Penalty for interfering with goods secured by Officer.

142. If any person shall put on board any aircraft or ship, or put off or put into any vessel to be water-borne to any aircraft or ship for exportation or use as stores, or bring to any aerodrome, customs area, quay, wharf or any place whatever in the Colony for exportation or use as stores, or export any goods prohibited to be exported, or any goods the exportation of which is restricted, contrary to such restriction, or attempt to perform or be knowingly concerned in the performance of any of the aforesaid acts, he shall (except as otherwise provided in section 135) incur a penalty of five hundred pounds, or treble the value of such goods, at the election of the Collector; and all such goods shall be forfeited.

Penalty for attempting to ship prohibited goods.

143. Before any warehoused goods, or goods entitled to any drawback on being put on board an aircraft or ship for use as stores or for exportation, or goods exportable only under particular rules, regulations or restrictions, or goods liable to duties of customs intended for transfer from an importing to an exporting aircraft or ship shall be permitted to be entered for use as stores, or for exportation or for transfer as aforesaid, the exporter shall give such security by bond as the Collector may require that such goods shall be duly put on board the aircraft or ship for which the same are entered and shall be used as stores (if so entered) or else exported to and discharged at the place for which they are entered within such time as the Collector may deem reasonable, or be otherwise accounted for to his satisfaction.

Bond to be given in certain cases.

144. If any goods for which bond is required under section 143, or any goods liable to export duties of customs be put on board any aircraft or ship, or brought to any aerodrome, customs area, quay, wharf or other place to be put on board an aircraft or ship and shall on examination by the proper Officer be found not to agree with the entered particulars thereof, or being goods on which drawback shall be claimed or allowed shall be found to be goods not entitled to drawback, all such goods shall be forfeited; and the exporter of such goods shall in every such case incur a penalty of one hundred pounds, or treble the amount of the value of such goods, at the election of the Collector.

Offences relating to bonded goods.

145. If any goods for which bond is required under section 143, after being entered and put on board an aircraft or ship, shall be used otherwise than as stores (if so entered) or shall not be duly exported to and discharged at the declared destination (such goods not having been discharged in the Colony with the permission of the proper Officer as provided in section 139 or otherwise accounted for to the satisfaction of the Collector) the same shall be forfeited; and the master of the aircraft or ship in which such goods shall have been put shall incur a penalty of one hundred pounds, or treble the value of such goods, at the election of the Collector.

Penalty for not exporting.

146. If any person who shall have entered any goods for which bond is required under section 143 shall fail, in case such goods or any of them shall not be duly put on board the aircraft or ship for which the same shall have been entered, to attend the proper Officer within twenty-four hours of the time of clearance of the air-

Short loading of bonded goods.

craft or ship, or such further period as the Collector may allow, and notify such Officer of the short loading of such goods, and re-warehouse or re-enter for exportation or use as stores in some other aircraft or ship within such period of twenty-four hours any such goods which shall have been removed from a warehouse for exportation or use as stores, any such goods entered as aforesaid shall be forfeited.

Exporter to notify short loading of non-bonded goods.

147. If any exporter who shall have entered any goods, not being goods for which bond is required, for exportation in any aircraft or ship shall fail, in case such goods or any of them shall not be duly put on board the aircraft or ship for which the same are entered, to attend the proper Officer within twenty-four hours after the departure of such aircraft or ship, or such period as the Collector may allow and notify such Officer of the short loading of such goods, he shall incur a penalty of five pounds.

Collector may allow shipment of stores.

148. Notwithstanding anything to the contrary contained in the customs laws, and subject to any regulations made under this Ordinance, the Collector may, upon due request being made, permit the master of any aircraft or ship departing from any port in the Colony upon a flight or voyage to any place outside the Colony to take on board stores (not being goods prohibited to be exported) for the use of such aircraft or ship, and of the master, crew and passengers, upon payment of any export duty leviable on the like kind of goods exported, and upon such other terms and conditions as the Collector may direct, and in such quantities as the Collector in his discretion shall deem reasonable; and every such request shall be made on the prescribed form and contain the particulars required thereby or indicated therein, and shall be signed by the master or his agent; and no stores shall be put on board for the use of any aircraft or ship, nor shall any articles taken on board any aircraft or ship be deemed to be stores, except such as shall be or have been put on board such aircraft or ship in accordance with the provisions hereof.

Drawback and transshipment of goods.

149. The provisions of the customs laws with reference to the exportation of warehoused goods, so far as they are applicable, shall be deemed to apply to and include goods liable to duties of customs transferred from an importing to an exporting aircraft or ship, and goods exported on drawback.

Loading of goods other than cargo or stores.

150. Notwithstanding any contrary provisions of the customs laws, and subject to any regulations made under this Ordinance, it shall be lawful for the Collector to permit the loading of passengers' baggage, and also to permit any person to take on board any aircraft or ship any goods for sale or delivery to the passengers, officers, or crew of such aircraft or ship, or for such other purpose as the Collector shall allow, under such conditions as he may either generally or in any particular case direct; but if any goods, not being part of the cargo or authorised stores of any aircraft or ship, shall be taken on board any aircraft or ship which is about to proceed to any place outside the Colony or which has any goods remaining on board thereof from a voyage from a place outside the Colony, or if any attempt shall be made to put any such goods on board any such aircraft or ship without the permission of or contrary to any conditions directed as aforesaid by the Collector, or otherwise contrary to the customs laws, the same shall be forfeited.

DEPARTURE AND CLEARANCE OF AIRCRAFT AND SHIPS.

Clearance of aircraft or ships

151. The master of every aircraft or ship shall immediately before leaving the Colony on any flight or voyage to any place outside the Colony attend before the proper Officer, and shall answer all such questions as shall be demanded of him by such Officer concerning the aircraft or ship, the cargo, the stores, the baggage, the officers, crew and passengers and the flight or voyage, and shall deliver to and sign in the presence of the proper Officer an account

of all cargo and stores on board such ship within the Colony, as well as of any cargo and stores which shall have been brought to the Colony in such ship, and shall have remained on board for exportation or for use as stores; and such account shall be in the prescribed form and shall contain the names of all passengers, and of the master, officers and crew of such ship, and, when signed by the proper Officer, shall be the clearance and authority for the departure of such ship from the Colony.

152. If any such aircraft or ship shall depart from the Colony to any place outside the Colony without the delivery of such content in accordance with section 151 or if any ship as aforesaid shall so depart without authority having been granted under section 151 the master of such aircraft or ship shall incur a penalty of five hundred pounds, and if any of the particulars contained in any such content or account as aforesaid be false, or if any of the required particulars be omitted therefrom and such omission be not explained to the satisfaction of the Collector, the master or agent shall incur a penalty of one hundred pounds.

Penalty for not clearing.

153. If any ship shall depart in ballast from the Colony to any place outside the Colony, not having any goods on board except stores duly shipped as such, nor any goods reported inwards for exportation in such ship, the Collector shall, on the application of the master or his agent, clear such ship in ballast; and the master of such ship or his agent shall comply with the customs laws as if such ship had cargo on board except that the words "in ballast" shall be written on the prescribed forms in the places which are provided for particulars of cargo.

Clearance in ballast.

154. For the purposes of section 153, ships having only passengers with their *bona fide* baggage on board, in addition to stores as aforesaid, shall be deemed to be in ballast.

Ships with passengers and baggage deemed in ballast.

155. Any Officer may go on board any aircraft or ship within the Colony or the waters thereof, and demand the clearance of such ship, and if the master shall not produce the same, or if the master of any aircraft or ship whatsoever which may be boarded as aforesaid by an Officer shall not answer or shall not truly answer such questions concerning the aircraft or ship, the cargo, stores, baggage, officers, crew, passengers and intended flight or voyage as may be demanded of him, he shall incur a penalty of one hundred pounds.

Clearance etc. to be produced to Officer on demand.

156. If there be any goods or stores on board any aircraft or ship which may have been boarded by an Officer within the Colony or the waters thereof not contained in the content or account required to be signed as the clearance of such aircraft or ship (if any) such goods or stores shall be forfeited, and the master shall incur a penalty of one hundred pounds, or of treble the value of such goods, at the election of the Collector.

Goods not contained in account forfeited.

157. If any Officer having boarded any aircraft or ship within the Colony or the waters thereof after clearance, shall discover that any goods which were loaded within the Colony on board thereof as stores or for exportation or which at the time of clearance remained on board from the inward voyage, be no longer on board such aircraft or ship (unless the same shall have been discharged in the Colony, with the permission of the proper Officer, as provided in section 139 or, being stores remaining on board from the inward voyage, shall in the opinion of the proper Officer not exceed the quantity which might fairly have been consumed, having regard to the period which such aircraft or ship shall have been within the Colony or the waters thereof), the master shall incur a penalty of twenty pounds for every package or parcel of such goods not on board, or a penalty of treble the value of such goods, at the election of the Collector.

Penalty for failure to produce goods.

Deficiency in stores,
etc.

158. If any aircraft or ship, having departed from the Colony on a flight or voyage to a place outside the Colony and having returned within the Colony or the waters thereof, is boarded by an Officer, and if such Officer shall discover any deficiency in the stores of such aircraft or ship which in his opinion shall be in excess of the quantity which might fairly have been consumed, having regard to the period which has elapsed between the departure of such aircraft or ship and the discovery of the deficiency, the master shall pay the duties on such deficiency at the rate chargeable on similar goods imported, and in addition shall incur a penalty of twenty pounds.

Officers to be set down
by departing aircraft
or ship. etc.

159. If any aircraft or ship departing from the Colony shall not bring to at the proper boarding station for setting down Officers, or for any other purpose required by the customs laws, or shall depart on a flight or voyage with any Officer on board without the assent of such Officer, the master shall incur a penalty of one hundred pounds.

COASTING TRADE.

Definition.

160. Except as provided in section 161, all trade by sea or by air from any one part of the Colony to any other part thereof shall be deemed to be coasting trade, and all aircraft and ships while employed therein shall be deemed to be coasting aircraft and coasting ships, and if any doubt shall at any time arise as to what, or to or from what parts of the Colony shall be deemed a passage by sea, the Governor may determine and direct in what cases the trade by water from one port or place in the Colony to another of the same shall or shall not be deemed a trade by sea within the meaning of the customs laws.

Exception in regard to
aircraft and ships from
places outside the Col-
ony.

161. Notwithstanding any provisions in the customs laws to the contrary, it shall be lawful for the proper Officer, on the arrival from a place outside the Colony of any aircraft or ship having on board cargo intended to be delivered at more than one port or place in the Colony, to permit such aircraft or ship to convey goods from any port at which such aircraft or ship shall partially discharge her cargo to any other port or place in the Colony for delivery there, upon the complete separation of such goods from the inward cargo still on board being effected to the satisfaction of the proper Officer, but such conveyance of goods from one port or place to another shall not constitute the aircraft or ship a coasting aircraft or coasting ship within the meaning of the customs laws. The loading, unloading and conveyance of goods under this section shall be subject to any regulations made under this Ordinance and to such conditions as the Collector may impose, and if any goods shall be loaded, unloaded, conveyed or dealt with contrary to such regulations or conditions, the goods shall be forfeited, and the master of the aircraft or ship shall incur a penalty of twenty pounds.

Licence for coasting
ship.

162. No ship shall trade coastwise within the Colony unless she is provided with a licence in the prescribed form to be issued by the Collector, which licence shall expire on the thirty-first day of December in each year. Every ship trading contrary to this section shall be forfeited, and the master of the ship shall incur a penalty of one hundred pounds.

Coasting aircraft or
ship to take only
coastwise cargo.

163. No goods shall be carried in any coasting aircraft or ship except such as shall be loaded to be carried coastwise at some port or place in the Colony.

Offences.

164. If any coasting aircraft or ship shall deviate from its flight or voyage, unless forced by unavoidable circumstances, whereof the proof shall lie on the master of such aircraft or ship, or if the master of any coasting aircraft or ship which shall have deviated from its flight or voyage, or shall have taken on board any wrecked or other goods or discharged any goods in the course of a flight or

voyage from one part of the Colony to another shall not enter an account of the circumstances and of any goods so taken on board or discharged in the cargo book hereinafter referred to, and proceed forthwith direct to the nearest port in the Colony, and declare and explain the same to the satisfaction of the proper Officer, and deliver all goods so taken on board into his care, such master shall incur a penalty of one hundred pounds, and the aircraft or ship may be seized by any Officer and detained until such penalty is paid.

165. Tobacco, cigars, cigarillos, cigarettes, wines and spirits shall not be put on board any aircraft or ship for carriage coastwise except at an approved place of loading or sufferance wharf and in the presence or with the authority of an Officer, and if any such goods shall be put on board contrary hereto, or if any attempt is made so to put them, such goods shall be forfeited.

Special conditions as
to certain goods.

166. If any goods shall be discharged from any aircraft or ship arriving coastwise, or from any vessel into which the same shall have been put to be landed, or be put on board or be put into any vessel to be water-borne, or be water-borne to be put on board any aircraft or ship for carriage coastwise on Sundays or public holidays, or except between half past seven in the morning and half past four in the afternoon on any other day, save with the written permission of the Collector, the same shall be forfeited, and the master of the aircraft, ship or vessel shall incur a penalty of fifty pounds, and the aircraft, ship or vessel may be seized by any Officer and detained until such penalty is paid.

Coastwise cargo not to
be put on board on
Sunday, etc.

167. If any person shall put on board any coasting aircraft or ship, or put off, or put into any vessel to be put on board any coasting aircraft or ship, or bring to any aerodrome, customs area, quay, wharf or any place whatever in the Colony for carriage coastwise or carry coastwise any goods prohibited to be carried coastwise, or any goods the carriage of which is restricted contrary to such restriction, or attempt to perform, or be knowingly concerned in the performance of any of the aforesaid acts, he shall incur a penalty of two hundred pounds, and all such goods shall be forfeited.

Prohibited goods.

168. The master of every coasting aircraft or ship shall keep, or cause to be kept, a cargo book, stating the name of the aircraft or ship, the master, and the port to which the aircraft or ship belongs, and of the port or place to which it is bound on each flight or voyage, and, unless the Collector otherwise directs, shall at every port or place of loading, enter in such book the name of such port or place, and an account of all goods there taken on board such aircraft or ship, stating the descriptions of the packages, and the quantities and descriptions of any goods stowed loose, and the names of the respective consignors and consignees, and shall at every port or place of discharge of such goods note the respective days on which the same, or any of them, are delivered out of such aircraft or ship, and the respective times of departure from every port or place of loading and of arrival at every port or place of discharge.

Master to keep cargo
book.

169. The master of every coasting aircraft or ship shall, on demand, produce the cargo book for the inspection of any Officer, who shall be at liberty to make any note or remark therein; and if upon examination any package entered in the cargo book as containing imported goods shall be found not to contain such goods, such package with its contents shall be forfeited; or if any package shall be found to contain imported goods not entered in such book, such goods shall be forfeited.

Master to produce car-
go book on demand.

170. If such master shall fail correctly to keep or cause to be correctly kept such cargo book, or to produce the same, or if at any time there be found on board such aircraft or ship any goods not entered in such book as loaded, or any goods noted as delivered, or if any goods entered as loaded and not noted as delivered be not on

Penalty for failure to
keep cargo book cor-
rectly.

board, the master of such aircraft or ship shall incur a penalty of twenty pounds and the aircraft or ship may be seized by any Officer and detained until such penalty is paid.

Governor may impose special conditions.

171. Notwithstanding any other provisions contained in this Ordinance, it shall be lawful for the Governor, by notice in the Gazette, to require the masters or agents of all or any coasting aircraft or ship or ships to deliver to the Collector, prior to the departure from any port or place of such aircraft or ship or ships, an account of all cargo and stores taken on board, in such manner as may be specified in the said notice; and if any coasting aircraft or ship shall depart contrary to the provisions of any such notice the master and owner shall each incur a penalty of fifty pounds.

Form of cargo book.

172. The cargo book shall be in the prescribed form, and shall contain such particulars in addition to, or in lieu of the particulars required by sections 168 to 171 as the form prescribed as aforesaid shall indicate or require; and if such cargo book is not in the form prescribed as aforesaid, the master of the aircraft or ship shall incur a penalty of ten pounds, and the aircraft or ship may be seized by any Officer and detained until such penalty is paid.

Coastwise passengers, etc.

173. The carriage of passengers, officers and crew coastwise, whether in a coasting aircraft or ship or not, shall be subject to any regulations made under this Ordinance.

Master to deliver cargo book to Officer before departure.

174. Before any coasting aircraft or ship shall depart from her port or place of loading, her cargo book containing the several particulars required by this Ordinance, and signed by the master shall be delivered to the proper Officer, who shall return it dated and signed by him, and such cargo book shall be the clearance of the aircraft or ship for the voyage; and if the master shall fail to deliver such cargo book he shall incur a penalty of twenty pounds, and the aircraft or ship may be seized by any Officer and detained until such penalty is paid.

Procedure where no Officer is stationed.

175. Any coasting aircraft or ship taking cargo on board at a place where no Officer is stationed to be carried coastwise may depart from such place without delivering such cargo book, on condition that the master of the aircraft or ship shall produce the cargo book to the proper Officer at the first place where an Officer is stationed at which such aircraft or ship arrives after loading, and the Officer shall thereupon sign such book, if satisfied as to its correctness.

Master to deliver cargo book on arrival.

176. Immediately after the arrival of any coasting aircraft or ship at her port or place of discharge and before any goods be unloaded, the cargo book with the name of the place or wharf where the cargo is to be discharged noted thereon shall be delivered to the proper Officer, who shall note thereon the date of delivery; provided that a coasting aircraft or ship having cargo duly loaded to be carried coastwise may discharge at a place where no Officer is stationed without delivering the cargo book as herein required, on condition that the cargo book, containing an account of the cargo so discharged is produced to the proper Officer at the first place where an Officer is stationed at which the aircraft or ship arrives after discharging; and if any goods are unloaded or if any goods are loaded on board any aircraft or ship and carried coastwise, or be brought to any port or place in the Colony for that purpose, contrary to the customs laws, such goods shall be forfeited.

Collector may vary procedure.

177. Notwithstanding anything hereinbefore contained, the Collector may permit the loading and clearance and the entry and unloading of any coasting aircraft or ship and goods under such conditions as he may direct.

Cargo book, etc. to be delivered to Officer on demand.

178. Any Officer may go on board any coasting aircraft or ship in any port or place in the Colony or on any coasting ship at any period of her voyage, and search such aircraft or ship and

examine all goods on board, and all goods then being loaded or unloaded, and demand all books or documents which ought to be on board such aircraft or ship, and may require all or any such books or documents to be brought to him for inspection, and the master shall answer all such questions concerning the aircraft or ship and its cargo, officers, crew, passengers and the flight or voyage as may be put to him by such Officer; and if the master shall refuse to produce such books and documents on demand, or to bring the same to such Officer when required, he shall incur a penalty of twenty pounds, and the aircraft or ship may be seized by any Officer and detained until such penalty is paid.

179. It shall be lawful for the Collector, subject to such conditions as he may require to be observed, to permit the master of any aircraft or ship bringing any goods coastwise to an approved port to enter such aircraft or ship and goods or any of them outwards for exportation without first discharging the same.

Coasting aircraft or ship may be entered outward in certain cases.

PREVENTION OF SMUGGLING.

180. If any aircraft or ship shall be found or discovered to have been within the waters of the Colony, or within or over the Colony, which has any secret or disguised place adapted for concealing goods, or any device adapted for running goods, or which has on board or in any manner attached thereto, or which has had on board or in any manner attached thereto, or which is conveying or has conveyed in any manner any goods imported contrary to the customs laws, or from which any part of the contents of such aircraft or ship shall have been thrown overboard to prevent seizure, or on board which any goods shall have been staved or destroyed to prevent seizure, then in every such case every person who shall be found or discovered to have been on board any such aircraft or ship shall incur a penalty of one hundred pounds, and all such goods shall be forfeited; provided that no person shall be liable to conviction under this section unless there shall be reasonable cause to believe that such person was concerned in or privy to the illegal act or thing proved to have been committed.

Penalty on persons found on board smuggling ships.

181. Every ship of less than 250 tons burden on board which, or in respect of which, any offence against section 180 shall be committed shall be forfeited.

Smuggling ships under 250 tons forfeited.

182. (1) With regard to aircraft or any ship of or exceeding two hundred and fifty tons burden, on board or in respect of which any offence against section 180 shall be committed, such aircraft or ship shall not be forfeited for such offence, but the following provisions shall apply :-

Penalty on smuggling aircraft and ships of 250 tons or more.

- (a) The Collector shall have power, subject to appeal to the Governor, to fine any such aircraft or ship in any sum not exceeding fifty pounds, in any case where in his opinion a responsible Officer (as hereinafter defined) of such aircraft or ship is implicated either actually or by neglect;
- (b) For the purpose of enforcing such fine, the Collector shall have power to require the deposit in his hands, at the port where such aircraft or ship shall be, of such sum, not exceeding fifty pounds, as he may think right, pending the ultimate decision, and in default of payment of such deposit the Collector shall have power to withhold clearance and to detain the said aircraft or ship;
- (c) If in any case the Collector shall consider that the fine of fifty pounds aforesaid will not be an adequate penalty against any such aircraft or ship for the offence committed thereon, it shall be lawful for him to take proceedings for condemnation of the said aircraft or ship in a penalty not exceeding five hundred pounds at the discretion of the

Court. And for this purpose the Collector may, as to any aircraft or ship referred to in this section, require the deposit in his hands as aforesaid of a sum not exceeding five hundred pounds, to abide the decision of the Court, and in default of payment of such deposit the Collector may withhold clearance and detain such aircraft or ship;

- (d) No claim shall be made against the Collector for damages in respect of the payment of any deposit, or for the detention of any aircraft or ship under this section.

(2) The expression "responsible Officer" in this section shall include the master, mates and engineers of any ship, and in the case of a ship carrying a passenger certificate, the purser or chief steward, and where the ship is manned by Asiatic seamen, the serang or other leading Asiatic Officer, and, in the case of an aircraft, the pilot, navigator, chief steward or chief engineer. The expression "neglect" in this section shall include cases where goods unowned by any of the crew are discovered in a place or places in which they could not reasonably have been put or remained if the responsible officer or officers having supervision of such place or places had exercised proper care at the time of loading of the aircraft or ship or subsequently.

Ship forfeited for offence during chase.

183. If any ship within the waters of the Colony, shall not bring to upon the proper signal made by any vessel or boat in His Majesty's service or in the service of the customs, whereupon chase shall be given, and any person on board such ship shall during chase or before such ship shall bring to, or upon bringing to throw overboard any part of her contents, or shall stave or destroy any part thereof to prevent seizure, such ship shall be forfeited.

Penalty for not bringing to.

184. If any aircraft or ship liable to seizure or examination under the customs laws shall not bring to when required so to do and so remain for such period as the boarding Officer shall require, the master of such aircraft or ship shall incur a penalty of one hundred pounds.

Offences by smugglers, etc. against Officers.

185. (1) If any person shall maliciously shoot at any aircraft or ship in the service of the customs, or shall maliciously shoot at, maim or wound any Officer in the execution of his office or duty, or with violence commit any of the offences mentioned in sub-section (4) of this section, every person so offending, and every person aiding, abetting or assisting therein shall, upon conviction on an information laid against him in the Supreme Court, be adjudged guilty of felony, and shall be liable to imprisonment, with or without hard labour, for any term not exceeding fifteen years.

(2) If any person engaged, or who shall have been engaged, in the commission of any offence against the customs laws, be armed with firearms or other offensive weapons, or, whether so armed or not, be disguised in any way, or being so armed or disguised shall be found with any goods liable to forfeiture under the customs laws, he shall, on conviction on an information laid against him in the Supreme Court, be liable to imprisonment, with or without hard labour, for any term not exceeding three years.

(3) If any person shall by any means procure or hire, or shall depute or authorize any other person to procure or hire any person to assist in any evasion of the customs laws, he shall on conviction be liable to imprisonment with or without hard labour for any term not exceeding twelve months.

(4) If any person shall stave, break, or destroy any goods to prevent seizure thereof by an Officer or other person authorized to seize the same, or shall rescue, or stave, break or destroy to prevent the securing thereof any goods seized by an Officer or other person authorized to seize the same, or rescue any person

apprehended for any offence punishable by a pecuniary penalty or imprisonment under the customs laws, or prevent the apprehension of any such person, or obstruct any Officer going, remaining or returning from on board an aircraft or ship within the Colony or the waters thereof, or in searching an aircraft or ship, or in searching a person liable to be searched under the customs laws, or in seizing any goods liable to forfeiture, or otherwise acting in the execution of his duty, or attempt or endeavour to commit, or aid, abet or assist in the commission of any of the offences mentioned in this sub-section, he shall for each such offence incur a penalty of one hundred pounds.

(5) If any person, not being an Officer, takes or assumes the name, designation, appearance or character of an Officer for the purpose of thereby obtaining admission into any aircraft or ship, house or other place, or of doing or procuring to be done any act which he would not be entitled to do or procure to be done of his own authority, or for any other unlawful purpose, he shall in addition to any other punishment to which he may be liable for the offence, be liable, on conviction, to be imprisoned, with or without hard labour, for any term not exceeding three months.

(6) In this section "violence" means any criminal force or harm to any person, or any criminal mischief to any property, or any threat or offer of such force, harm or mischief, or the carrying or use of deadly, dangerous or offensive weapons in such manner as that terror is likely to be caused to any person, or such conduct as is likely to cause in any person a reasonable apprehension of criminal force, harm or mischief to them or to their property.

186. (1) No person shall make or cause to be made, or aid, or assist in making any signal in or on board or from any aircraft or ship, or on or from any part of the Colony, for the purpose of giving notice to any person on board any smuggling aircraft or ship, whether any person so on board of such aircraft or ship be or be not within distance to notice any such signal: and if any person shall make or cause to be made, or aid or assist in making any such signal, he shall on conviction be liable to imprisonment, with or without hard labour, for any term not exceeding twelve months.

Penalty for signalling to smuggling aircraft or ship.

(2) If any person be charged with having made or caused to be made, or with aiding or assisting in making any such signal as aforesaid, the burden of proof that such signal so charged as having been made with intent and for the purpose of giving such notice as aforesaid was not made with such intent and for such purpose shall be upon the defendant against whom such charge is made.

(3) Any person whatsoever may prevent any signal being made as aforesaid, and may go upon any lands for that purpose, without being liable to any indictment, suit or action for the same.

(4) For the purposes of this section any ship to which a signal is made as aforesaid, and which changes its course, or, if at anchor, weighs anchor, or from which any signal is made, following any signal made from an aircraft or ship or any part of the Colony as aforesaid, shall, for the purposes of this section be deemed to be a smuggling ship, unless the contrary be proved.

187. Every person who shall cut away, cast adrift, remove, alter, deface, sink or destroy, or in any other way injure or conceal any aircraft, ship, buoy, anchor, chain, rope or mark in the charge of or used by any person for the prevention of smuggling, or in or for use of the service of the customs, shall incur a penalty of fifty pounds.

Penalty for interfering with customs gear.

188. If any person, not being an Officer, shall intermeddle with or take up any spirits or any goods prohibited to be imported

Intermeddling with goods found floating.

or exported, being in packages found floating upon or sunk into the sea, such spirits or goods prohibited to be imported or exported shall be forfeited, and every such person shall incur a penalty of twenty pounds.

Writs of assistance.

189. All writs of assistance issued from the Supreme Court (which is hereby authorized and required to grant such writs upon application by the Collector) shall continue in force during the reign for which they were granted and for six months afterwards; and any Officer having such writ of assistance may, by day or by night, enter into and search any house, shop, cellar, warehouse, room or other place, and in case of resistance break open doors, chests, trunks, and other packages, and seize and bring away any uncustomed or prohibited goods, or any books or documents relating thereto, and put and secure the same in a King's warehouse.

Search warrant.

190. If any Officer shall have reasonable cause to suspect that any uncustomed or prohibited goods, or any books or documents relating to uncustomed or prohibited goods, are harboured, kept or concealed in any house or other place in the Colony, and it shall be made to appear by information on oath before the Magistrate or Justice of the Peace in the Colony, it shall be lawful for such Magistrate or Justice of the Peace by special warrant under his hand to authorize such Officer to enter and search such house or other place, by day or by night, and to seize and carry away any such uncustomed or prohibited goods, or any books or documents relating to uncustomed or prohibited goods, as may be found therein; and it shall be lawful for such Officer, in case of resistance, to break open any door, and to force and remove any other impediment or obstruction to such entry, search or seizure as aforesaid.

Officer may stop carriage.

191. Any Officer may upon reasonable suspicion stop and examine any carriage to ascertain whether any uncustomed or prohibited goods are contained therein; and, if none shall be found, the Officer shall not on account of such stoppage and examination be liable to any prosecution or action at law; and any person driving or conducting such carriage refusing to stop or allow such examination when required by any Officer shall incur a penalty of one hundred pounds.

Officer may patrol freely, etc.

192. Any Officer, when on duty, and having the authority of the Collector, may patrol upon and pass freely either on foot or otherwise along and over and enter any part of the Colony other than a dwelling house or other building and any such Officer so proceeding shall not be liable to any indictment, action or suit for so doing.

Officer may moor patrol craft.

193. The Officer in charge of any aircraft or ship employed for the prevention of smuggling may land or haul any such aircraft or ship upon any part of the Colony which shall be deemed most convenient for that purpose, and moor any such aircraft or ship on any part of the Colony, and continue such aircraft or ship so moored as aforesaid for such time as he shall deem necessary and proper; and such Officer shall not be liable to any indictment, action or suit for so doing.

GENERAL.

General Penalty.

194. Save as otherwise provided in section 195 any person who shall be convicted of any offence against the customs laws for which no specific penalty is provided shall incur a penalty of fifty pounds.

Penalty in cases of forfeiture.

195. Where any aircraft, ship, carriage or goods become liable to forfeiture under the customs laws, any person who shall be knowingly concerned in the act or omission which renders the same liable to forfeiture shall be guilty of an offence against this Ordinance, and shall incur the penalty provided by this Ordinance in respect of such

offence, or, where no such penalty is provided, shall incur a penalty of one hundred pounds, or treble the value of any goods seized, at the election of the Collector; and any such person may be arrested and detained by any Officer, and taken before a Magistrate to be dealt with according to law. Provided that no person shall be arrested whilst actually on board any aircraft or ship in the service of a foreign state or country.

196. If any person shall in any matter relating to the customs, or under the control or management of the Collector, make and subscribe, or cause to be made and subscribed, any false declaration, or make or sign, or cause to be made or signed any declaration, certificate or other instrument, required to be verified by signature only, the same being false in any particular, or if any person shall make or sign any declaration made for the consideration of the Collector on any application presented to him, the same being untrue in any particular, or if any person required by the customs laws to answer questions put to him by an Officer shall refuse to answer such questions, or if any person shall answer untruly any questions put to him by any Officer acting in the execution of his duty, or if any person shall counterfeit, falsify or wilfully use when counterfeited or falsified any document required by the customs laws, or by or under the directions of the Collector, or any instrument used in the transaction of any business or matter relating to the customs, or shall alter any document or instrument after the same has been officially issued, or counterfeit the seal, signature, initials or other mark of or used by any Officer for the verification of any such document or instrument, or for the security of goods, or any other purpose in the conduct of business relating to the customs or under the control or management of the Collector, or shall on any document or instrument required for the purpose of the customs laws counterfeit or imitate the seal, signature, initials or other mark of or made use of by any other person whatsoever, whether with or without the consent of such person, every person so offending shall incur a penalty of five hundred pounds.

Penalty for false declaration, etc.

197. Every person who shall import or bring or be concerned in importing or bringing into the Colony any prohibited goods, or any goods the importation of which is restricted, contrary to such prohibition or restriction, whether the same be unloaded or not, or shall unload, or assist or be otherwise concerned in unloading any goods which are prohibited, or any goods which are restricted and imported contrary to such restriction, or shall knowingly permit or suffer, or cause or procure to be harboured, kept or concealed, any prohibited, restricted or uncustomed goods, or shall knowingly acquire possession of or be in any way knowingly concerned in carrying, removing, depositing, concealing, or in any manner dealing with any goods with intent to defraud His Majesty of any duties due thereon, or to evade any prohibition or restriction of or applicable to such goods or shall be in any way knowingly concerned in any fraudulent evasion or attempt at evasion of any import or export duties of customs, or of the laws and restrictions of the customs relating to the importation, unloading, warehousing, delivery, removal, loading and exportation of goods, shall for each such offence incur a penalty of one hundred pounds, or treble the value of the goods, at the election of the Collector; and all goods in respect of which any such offence shall be committed shall be forfeited.

Penalty for evading customs laws regarding imported or exported goods.

198. If any person shall import or export, or cause to be imported or exported, or attempt to import or export any goods concealed in any way, or packed in any package or parcel (whether there be any other goods in such package or parcel or not) in a manner calculated to deceive the Officers of customs, or any package containing goods not corresponding with the entry thereof, such package and the goods therein shall be forfeited, and such person shall incur a penalty of one hundred pounds, or treble the value of the goods contained in such package at the election of the Collector.

Penalty in relation to concealed goods, etc.

Power of Collector to purchase goods in certain cases.

199. (1) Notwithstanding the provisions of section 198, if, upon the examination of any imported goods, which are chargeable with duty upon the value thereof, it appears to the Collector that the value of such goods as declared by the importer and according to which duty has been or is sought to be paid is not the true value thereof, it shall be lawful for the Collector to detain the same, in which case he shall give notice in writing to the importer of the detention of such goods, and of the value thereof as estimated by him, either by delivering such notice personally, or by transmitting the same by post to such importer, addressed to him at his place of abode or business, as stated in his entry.

(2) The Collector shall, within fifteen days after the detention of such goods, determine either that the goods are or may be correctly entered according to the value declared by the importer and permit the same to be delivered, or to retain the same for the public use of the Colony, in which latter case he shall cause the value at which the goods were declared by the importer, together with an addition of ten *per centum*, and the duties already paid to be paid to the importer in full satisfaction for such goods; or he may permit such person, on his application for that purpose, to enter the goods according to such value and on such terms as he may direct.

(3) Such goods, if retained shall be disposed of for the benefit of the Colony, and if the proceeds arising therefrom, in case of sale, exceed the sums so paid, and all charges incurred by the Colony, such surplus shall be disposed of as the Governor may direct.

Officer taking unauthorised fees, etc.

200. If any Officer shall accept any fee, perquisite or reward, whether pecuniary or otherwise, directly or indirectly from any person on account of anything done or to be done by him, or omitted to be done by him, or in any way relating to his said office or employment, except such as he shall receive with the approval of the Governor or Collector, such Officer so offending shall, on proof thereof to the satisfaction of the Governor, be dismissed from his office; and if any person shall give, offer or promise to give any such fee, perquisite or reward, such person shall for every such offence incur a penalty of one hundred pounds.

Collusive seizure, bribery, etc.

201. If any Officer shall make any collusive seizure, or deliver up, or make any agreement to deliver up or not to seize any aircraft, ship, carriage or goods liable to forfeiture, or shall take any bribe, gratuity, recompense or reward for the neglect or non-performance of his duty, or conspire or connive with any person to commit an offence against the customs laws for the purpose of seizing any aircraft, ship, carriage or goods, and obtaining any reward for such seizure or otherwise, every such Officer shall incur a penalty of five hundred pounds, and be rendered incapable of holding any office under the Government of the Colony, and every person who shall give or offer, or promise to give or procure to be given, any bribe, recompense or reward to, or shall make any collusive agreement with any such Officer to induce him in any way to neglect his duty, or to do, conceal or connive at any act whereby any provisions of the customs laws may be evaded, shall incur a penalty of five hundred pounds.

Offering goods for sale under pretence that they are smuggled.

202. If any person shall offer for sale any goods under pretence that the same are prohibited, or have been unloaded and removed without payment of duties, all such goods (although not liable to any duties, or prohibited) shall be forfeited.

General provision as to forfeiture.

203. Subject to the provisions of section 182, all aircraft, ships and carriages, together with all animals and things made use of in the importation, attempted importation, landing, removal, conveyance, exportation or attempted exportation of any uncustomed, prohibited or restricted goods, or any goods liable to forfeiture under the cus-

toms laws shall be forfeited; and all aircraft, ships, carriages and goods together with all animals and things liable to forfeiture, and all persons liable to be detained for any offence under the customs laws or under any Ordinance whereby Officers are authorized to make seizures or detentions, shall or may be seized or detained in any place either upon land or water, by any person duly employed for the prevention of smuggling, or by any person having authority from the Collector to seize or detain the same, and all aircraft, ships, carriages and goods, together with all animals and things so seized shall forthwith be delivered into the care of the Collector; and the forfeiture of any aircraft, ship, carriage, animal or thing shall be deemed to include the tackle, apparel and furniture thereof, and the forfeiture of any goods shall be deemed to include the package in which the same are found and all the contents thereof.

Procedure on seizure.

204. (1) Whenever any seizure shall be made, unless in the possession of or in the presence of the offender, master or owner, as forfeited under the customs laws, or under any Ordinance by which Officers are empowered to make seizures, the seizing Officer shall give notice in writing of such seizure and of the grounds thereof to the master or owner of the aircraft, ship, carriage, goods, animals or things seized, if known, either by delivering the same to him personally, or by letter addressed to him, and transmitted by post to, or delivered at, his usual place of abode or business, if known, and all seizures made under the customs laws or under any Ordinance by which Officers are empowered to make seizures shall be deemed and taken to be condemned, and may be sold or otherwise disposed of in such manner as the Governor may direct, unless the person from whom such seizure shall have been made, or the master or owner thereof, or some person authorized by him shall within one calendar month from the day of seizure give notice in writing to the Collector that he claims the same, whereupon proceedings shall be taken for the forfeiture and condemnation thereof; provided that if animals or perishable goods are seized, they may by direction of the Collector be sold forthwith by public auction, and the proceeds thereof retained to abide the result of any claim that may legally be made in respect thereof.

(2) Where proceedings are taken as aforesaid for forfeiture and condemnation, the Magistrate may order delivery of such aircraft, ship, carriage, goods, animals or things seized to the claimant, on security being given for the payment to the Collector of the value thereof in case of condemnation.

Disposal of seizure.

205. All seizures whatsoever which shall have been made and condemned under the customs laws, or any other Ordinance by which seizures are authorized to be made by Officers, shall be disposed of in such manner as the Governor may direct.

Limit of penalty.

206. Where a penalty is prescribed for the commission of an offence under this Ordinance, such offence shall be punishable by a penalty not exceeding the penalty so prescribed; provided that where by reason of the commission of any offence the payment of any customs duty has or might have been evaded, the penalty imposed shall, unless the Court for special reasons thinks fit to order otherwise, and without prejudice to the power of the Court to impose a greater penalty, be not less than treble the amount of duty payable.

Governor may restore seizure, etc.

207. When any seizure shall have been made, or any fine or penalty incurred or inflicted, or any person committed to prison for any offence against the customs laws, the Governor may direct restoration of such seizure, whether condemnation shall have taken place or not, or waive or release such person from confinement, either such fine or penalty, or release such person from confinement, either before or after conviction, on any terms and conditions, as he shall see fit.

Collector may mitigate penalty.	208. Subject to the approval of the Governor (which approval may be signified by general directions to the Collector), and notwithstanding anything contained in section 206, the Collector may mitigate or remit any penalty, or restore anything seized under the customs laws, at any time prior to the commencement of proceedings in any Court, against any person for an offence against the customs laws, or for the condemnation of any seizure.	
Rewards.	209. The Collector may, with the approval of the Governor, reward any person who informs him of any offence against the customs laws or assists in the recovery of any fine or penalty.	
Documents. Form of	210. Every document submitted to the Collector or his Officers for the purposes of the customs laws shall be in such form as may be prescribed, if any, and shall contain the particulars required by such form or indicated therein.	
Documents. Production of	211. (1) The importer, exporter or any person concerned in the importation or exportation of any goods shall, on the request of any Officer made at any time within three years of the date of importation or exportation, as the case may be, or of the date of delivery to the proper Officer of an entry for such goods, if the same have been entered, produce, for the inspection of such Officer the invoices, books of account and any other documents of whatever nature relating to such goods which the Officer shall require, and shall answer such questions and make and subscribe such declarations regarding the weight, measure, strength, value, cost, selling price, origin and destination of such goods, and the name of the place whence or where any imported goods were consigned or transferred from one aircraft or ship to another, as shall be put to him by the Officer, and shall produce such evidence as the Officer may consider necessary in support of any information so furnished; and if the importer or exporter or other person concerned as aforesaid shall neglect or refuse to carry out any of the provisions of this section, he shall incur a penalty of one hundred pounds, and the Collector may, on such neglect or refusal, refuse entry or delivery or prevent shipment of the goods, or may allow entry, delivery or shipment of the goods upon such terms and conditions, and upon deposit of such sum, pending the production of the proper documents and declarations, as he shall see fit to impose or require. (2) The deposit made in accordance with sub-section (1) of this section shall be forfeited unless within three months of the time of deposit or such further period as the Collector may allow the person making the deposit shall produce the required documents or declarations to the Collector.	
Copies of documents to be submitted.	212. Where any person is required to submit any report, entry, declaration or other form for the purpose of the customs laws, the Collector may require such person to submit as many copies thereof as he may deem necessary; and where the Collector shall require invoices or certificates of origin, or both to be produced for any goods imported or exported, he may require such invoices or certificates of origin or both, to be submitted in duplicate, and may retain the duplicates, or, if such invoices or certificates of origin, or both, are not submitted in duplicate, he may retain the originals.	
Translation.	213. Where any document required for the purposes of the customs laws contains any words not in the English language, the person required to produce such document shall produce therewith a correct translation thereof in English.	
Samples.	214. Any Officer may on the entry of any goods, or at any time afterwards, take samples of such goods for such purpose as the Collector may deem necessary, and such samples shall be disposed of and accounted for in such manner as the Collector may direct.	
	215. The unloading, loading and removal of goods and bringing them to the proper place for examination and weighing, putting them into scales, opening, unpacking, repacking, bulking, sorting, lotting, marking and numbering, where such operations respectively are necessary or permitted, and removing to and placing them in the proper place of deposit until delivered or put on board an exporting aircraft or ship, shall be performed by or at the expense of the owner of such goods; and the owner shall unpack, sort, pile or otherwise prepare any goods either before or after entry thereof in such manner as the proper Officer shall require to enable him to examine or take account of the same.	Goods to be handled by owner.
	216. The Collector may direct what goods may be skipped in a customs area or warehouse, or bulked, sorted, lotted, packed and repacked there, in the manner thereof, and direct in what manner and subject to what conditions the owner of any goods may take samples thereof; provided that no goods may in any such building or place be repacked into packages of a size in which the same are prohibited to be imported or exported, unless express provision therefor is made by law.	Samples for owner.
	217. If any goods shall be lost or destroyed by unavoidable accident before the same have been delivered out of the care of any Officer, either on board an aircraft or ship, or in removing, loading, unloading, or receiving into a customs area or warehouse, or in the customs area or warehouse, or in course of delivery therefrom, the Collector, if satisfied that such goods have not been and will not be consumed in the Colony, may remit or return the duties due or paid thereon, and any goods which may be abandoned by the owner thereof as not worth the duty while in the charge of any Officer may be destroyed or otherwise disposed of as the Collector shall direct, at the cost and charges of such owner, and the Collector may thereupon remit or return the duties due or paid thereon.	Remission of duty on goods lost, etc.
	218. Where it is proved to the satisfaction of the Collector that any goods after being duly put on board an aircraft or ship for exportation or use as stores have, either before or after exportation, been destroyed by accident on board such aircraft or ship, any drawback or allowance payable on the goods shall be payable in the same manner as if the goods had been actually exported or used as stores.	Drawbacks on goods lost.
	219. Where it is proved to the satisfaction of the Collector that any goods after being duly put on board an aircraft or ship for exportation or use as stores have been materially damaged on board such aircraft or ship, any drawback or allowance payable in respect of the goods shall, if they are with the consent of the Collector discharged in the Colony and abandoned to the Government, be payable as if the goods had been actually exported or used as stores.	Drawback on goods abandoned.
	220. The Collector may modify the form of declaration required under section 41 in such manner as he may think necessary for adapting it to the provisions of sections 218 and 219.	Modification of declaration.
	221. Whenever any person shall make application to any Officer to transact any business on behalf of any other person, such Officer may require the person so applying to produce a written authority from the person on whose behalf such application is made, and in default of the production of such authority may refuse to transact such business; and any document required by the customs laws to be signed by any particular person, if signed by any person authorised as aforesaid on behalf of the person required to sign the same, shall be deemed for all purposes to be signed by the person required to sign the same; provided that the Collector may in his discretion refuse to allow any such application as aforesaid.	Authority to be produced by person acting for another.
	222. Where any document or declaration is required by the customs laws to be signed in the presence of the Collector, or any	Witnessing of signatures.

particular Officer, if such document or declaration is signed in the presence of a witness whose signature is known to and who is approved by the Collector or the Officer who receives the same, then in such case such document or declaration shall be as valid as if it had been signed in the presence of the Collector or the Officer in whose presence it is required to be signed.

Master to attend before Collector if so required.

223. Where under the customs laws the master or agent of any aircraft or ship is required to answer questions put to him by the Collector or any Officer, and such aircraft or ship shall be within the Colony or the waters thereof, and shall not have left her final position, anchorage or berth preparatory to leaving the Colony, it shall be lawful for the Collector or such Officer to require the master to attend before him at the office of the Collector or such Officer, and in such case the requirements of the customs laws shall not be deemed to have been fulfilled unless the master shall so attend when so required; provided that it shall be lawful for the master, with the consent of the Collector or such Officer, to depute a senior officer of such aircraft or ship to attend for the purpose of answering such questions, and in such case, any reply to any question put to such senior officer by the Collector or such Officer as aforesaid shall for the purposes of section 196 be deemed to have been made by the person required to answer such questions.

Time of importation, etc. defined.

224. (1) If for any purpose of the customs laws it becomes necessary to determine the precise time at which an importation of any goods shall be deemed to have had effect, such time shall be deemed to be the time at which the aircraft or ship importing such goods actually landed in the Colony or came within the waters thereof.

(2) If any question arises upon the arrival of any aircraft or ship at any port or place in the Colony in respect of any charge or allowance for such aircraft or ship, exclusive of cargo, the time of such arrival shall be deemed to be the time at which such aircraft or ship shall first be boarded by any person in the employment of the Government at such port or place.

(3) The time of exportation of any goods shall be deemed to be the time when the same are put on board the exporting aircraft or ship, except in the case of goods prohibited to be exported, with reference to which the time of exportation shall be deemed to be the actual time at which the aircraft or ship departed from its final position, anchorage or berth within the Colony or the waters thereof.

Special packages deemed separate articles.

225. All packages and coverings in which goods are imported or exported and which in the opinion of the Collector :-

- (a) are not the usual or proper packages or coverings for such goods, or
- (b) are designed for separate use, other than as packages or coverings for the same or similar goods, subsequent to importation or exportation, as the case may be,

shall for all purposes of the customs laws be deemed to be separate articles, except in cases where a contrary provision shall be made.

Power of arrest.

226. In addition to any other power of arrest or detention conferred by the customs laws, any Officer may arrest and detain any person whom he finds committing an offence against the customs laws, and take him before a Magistrate to be dealt with according to law.

Arrest after escape.

227. If any person liable to arrest under the customs laws escapes from any Officer attempting to arrest him, or if any Officer is for any reason whatever unable or fails to arrest any such person, such person may afterwards be arrested and detained by any Officer

at any place in the Colony within seven years from the time such offence was committed, and dealt with as aforesaid, as if he had been arrested at the time of committing such offence.

LEGAL PROCEEDINGS.

228. Subject to the express provisions of the customs laws, any offences under the customs laws may be prosecuted, and any penalty of forfeiture imposed by the customs laws may be sued for, prosecuted and recovered summarily, and all rents, charges, expenses and duties, and all other sums of money whatsoever payable under the customs laws may be recovered and enforced in a summary manner before a Magistrate in the manner prescribed by the Summary Jurisdiction Ordinance 1902, or as near thereto as the circumstances of the case will permit, on the complaint of any Officer.

Prosecutions for customs offences.

229. Proceedings under the customs laws may be commenced at any time within seven years after the date of the offence.

Proceedings to be taken within seven years.

230. Where any Court has imposed a penalty for any offence against the customs laws, and such penalty is not paid, the Court may order the defendant who is convicted of such offence, in default of payment of the penalty adjudged to be paid, to be imprisoned, with or without hard labour, for any term not exceeding six months, where the penalty does not exceed one hundred pounds, or twelve months where the penalty exceeds one hundred pounds.

Alternative prison sentence.

231. Where a penalty of one hundred pounds or upwards has been incurred under the customs laws and the defendant has previously been convicted for an offence against the customs laws, or has previously incurred a pecuniary penalty or forfeiture under the customs laws which has been enforced in any Court, the Court may, if it thinks fit, in lieu of ordering payment of a pecuniary penalty order the defendant to be imprisoned with or without hard labour, for any period not exceeding one year.

Imprisonment for second offence.

232. The fact that any duties of customs have been secured by bond or otherwise shall not be pleaded or made use of in answer to or in stay of any proceeding under the customs laws.

Limitations as to pleading.

233. Every offence under the customs laws shall be deemed to have been committed and every cause of complaint to have arisen either in the place in which it actually was committed or arose, or in any place on land where the offender or person prosecuted may be or be brought.

Place of offence.

234. An officer may prosecute and conduct any information or other proceeding under the customs laws in respect of any offence or penalty.

Officer may prosecute.

235. In all proceedings under the customs laws the same rules as to costs shall be observed as in proceedings between private persons.

Costs.

236. (1) No claim or appearance shall be entered to any information filed or exhibited for the forfeiture of any animal, carriage, aircraft, ship or goods seized for any cause of forfeiture in any Court unless such claim or appearance be made by or in the real name of the owner thereof, describing his place of residence and occupation; and if such claimant shall reside in the Colony, oath shall be made by him before the Court before which such information shall be exhibited, that the said animal, carriage, aircraft, ship or goods were his property at the time of seizure; but if such person shall reside outside of the Colony, then oath shall be made by the attorney by whom such claim or appearance shall be entered that he has full authority from such claimant to make or enter the same, and that to the best of his knowledge and belief the same were at

Claims to seized goods to be in name of owner.

the time of seizure the *bona fide* property of the claimant; and on failure of making such proof of ownership such animal, carriage, aircraft, ship or goods shall be condemned, as if no claim or appearance had been made; and if such animal, carriage, aircraft, ship or goods shall at the time of the seizure thereof be the *bona fide* property of any number of owners exceeding five, it shall not be necessary for more than two of them to enter such claim or appearance on the part of themselves and their co-owners, or to make such oath as aforesaid; and if any such animal, carriage, aircraft, ship or goods shall at the time of seizure be the property of a company, such claim and appearance shall be entered and oath made by the secretary or a director of such company.

(2) For the purpose of this section a company means a limited company registered in the Colony under the provisions of the Companies Ordinance, 1898, or a limited company registered in the United Kingdom but operating in the Colony, but does not include any company or association of persons calling themselves a company not so registered.

Certificate of probable cause of seizure.

237. In case any information or suit shall be commenced or brought to trial on account of the seizure of any animal, carriage, aircraft, ship or goods, or pursuant to any act done by any Officer in the execution or intended execution of his duty under the customs laws, and such information or suit be dismissed, and it shall appear to the Court before whom the same shall have been tried that there was probable cause for such seizure or act, the Judge or Magistrate, as the case may be, shall certify on the record that there was such probable cause, and in such case the person who made such seizure or performed such act shall not be liable to any action, indictment or other suit or prosecution on account of such seizure or act; and a copy of such certificate, verified by the signature of the Officer of the Court, shall at the request of the Officer concerned be given to him, and the same shall for all purposes be sufficient evidence of such certificate; and in case any action, indictment or other suit or prosecution shall be commenced and brought to trial against any person on account of any seizure or act as aforesaid (whether any information be brought to trial in respect of the same or not, or having been brought to trial, the Judge or Magistrate shall not have certified that there was a probable cause for such seizure or act), wherein a verdict shall be given against the defendant, if the Court shall be satisfied that there was a probable cause for such seizure or act, then the plaintiff shall recover any things seized or the value thereof without costs of suit, but no conviction shall be recorded against the defendant.

PROOFS IN PROCEEDINGS.

Onus of proof on defendant in certain cases.

238. (1) In any prosecution under the customs laws, the proof that the proper duties have been paid in respect of any goods, or that the same have been lawfully imported or exported, or lawfully put into or out of any aircraft or ship, or lawfully transferred from one aircraft or ship to another aircraft or ship shall lie on the defendant.

(2) The averment that the Collector has elected that any particular penalty should be sued for or recovered, or that any goods thrown overboard, staved or destroyed were thrown overboard, staved or destroyed to prevent seizure, or that any person is an Officer, or that any person was employed for the prevention of smuggling, or that the offence was committed, or that any act was done within the limits of any port, or in the waters of the Colony, or over the Colony, or, where the offence is committed in any port or place in the Colony, the naming of such port or place in any information or proceedings, shall be deemed sufficient unless the defendant in any such case shall prove the contrary.

239. If upon any trial a question shall arise whether any person is an Officer, his own evidence thereof shall be deemed sufficient, and every such Officer shall be deemed a competent witness upon the trial of any suit or information on account of any seizure or penalty, notwithstanding such Officer may be entitled to any reward upon the conviction of the party charged in such suit or information.

Evidence of Officers.

240. (1) In all cases where any penalty the amount of which is to be determined by the value of any goods is sued for under the customs laws, such value shall, as regards proceedings in any Court, be estimated and taken according to the rate and price for which goods of the like kind but of the best quality upon which the duties of importation shall have been paid were sold at or about the time of the offence, or according to the rate and price for which the like kind of goods were sold in bond at or about the time of the offence, with the duties due thereon added to such rate or price in bond;

Valuation of goods for penalty.

(2) A certificate under the hand of the Collector of the value of such goods shall be accepted by the Court as *prima facie* evidence of the value thereof.

241. In case any book or document required by the customs laws be required to be used as evidence in any Court as to the transactions to which it refers, copies thereof certified by an Officer shall be admissible for that purpose, without production of the original; and certificates and copies of official documents purporting to be certified under the hand and seal or stamp of office of any of the principal officers of Customs and Excise in the United Kingdom, or of any Comptroller of colonial revenue in any British possession, or of any British Consul or Vice-Consul in a foreign country, shall be received as *prima facie* evidence.

Copies of documents valid.

242. If upon the trial of any issue touching any seizure, penalty or forfeiture, or other proceedings under the customs laws or incident thereto, it may be necessary to give proof of any order issued by the Governor, Collector, or any person in the employment of the Government, the order, or any letter or instructions referring thereto, shall be admitted and taken as sufficient evidence of such order if any such document purports to be signed by any such functionary, or shall appear to have been officially printed or issued, unless the contrary be proved.

Proof of order of Governor, etc.

243. Condemnation by any Court under the customs laws may be proved in any Court, or before any competent tribunal, by the production of a certificate of such condemnation purporting to be signed by the Officer of such Court.

Certificate of condemnation.

MISCELLANEOUS AND REPEAL.

244. Where in any Order-in-Council made applicable to the Colony in accordance with the provisions of the Air Navigation Acts 1920 and 1936, or any amending Act, or in any regulations made under any such Order-in-Council, any provision shall be made contrary to the customs laws, such provisions shall have effect to the exclusion of the corresponding provision contained in the said laws.

Effect of Air Navigation Orders in Council.

245. The Governor in Executive Council may make regulations for the better carrying out of the provisions of the customs laws, and may, in such regulations, prescribe fees, rents or charges to be paid in respect of any matter therein referred to; and all such regulations shall be published in the Gazette.

Regulations.

246. Subject to the provisions of this Ordinance and any regulations made thereunder, the Collector may from time to time prescribe forms required to be used for the purposes of the customs laws.

Forms.

Application of section 14 of Copyright Act, 1911.

247. For the purpose of the application of section 14 of the (Imperial) Copyright Act 1911, to the importation into this Colony of works made out of the Colony :

- (a) The Treasurer and Collector of Customs shall perform the duties and may exercise the powers thereby imposed on or given to the Commissioners of Customs and Excise of the United Kingdom.
- (b) Regulations made by the Treasurer and Collector of Customs under that section shall require the approval of the Governor in Council.
- (c) Regulations made under that section may provide that notices given to the Commissioners of Customs and Excise of the United Kingdom, if communicated by them to the Treasurer and Collector of Customs, shall be deemed to have been given by the owner of the Copyright to the Treasurer and Collector of Customs.

Discretionary power to Collector in special circumstances.

248. The Collector may permit the entry, unloading, removal and loading of goods, and the report and clearance of aircraft and ships, in such form and manner as he may direct to meet the exigencies of any case to which the customs laws may not be conveniently applicable.

Existing Officers confirmed.

249. All Collectors and officers of Customs at present holding office shall continue to hold such offices as if appointed hereunder.

Existing warehouses, etc. to continue.

250. All ports, warehouses, sufferance wharves and boarding stations, approved as such at the commencement of this Ordinance, shall continue to be ports, warehouses, sufferance wharves and boarding stations, and all legal quays shall be deemed to be approved places of loading and unloading until the appointment thereof is revoked or varied under this Ordinance.

All "Officers" are excise officers.

251. All Officers are hereby constituted Excise Officers.

Repeal of Ordinance No. 6 of 1903, No. 3 of 1918, No. 2 of 1927, No. 10 of 1928, No. 4 of 1933, No. 11 of 1934.

252. The Customs Ordinance 1903, the Copyright Act, 1911, Ordinance, 1918, the Customs (Amendment) (Coasting Trade) Ordinance 1927, the Customs (Amendment) Ordinance 1928, the Customs (Amendment) Ordinance 1933 and the Importation of Textiles (Quotas) Ordinance 1934 are hereby repealed.

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

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

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

KENNETH BRADLEY,
Colonial Secretary.

FALKLAND ISLANDS :

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

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 2 of 1943.

I ASSENT,

A. W. CARDINALL,
Governor.

6th December, 1943.

An Ordinance

To make provision for the raising and collection of Import and Export Duties.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as the Tariff Ordinance 1943, and shall come into force on a day to be specified by the Governor by Proclamation in the Gazette. Short Title and commencement.
2. From and after the coming into operation of this Ordinance there shall be raised, levied, collected and paid unto His Majesty, his heirs and successors, for the use of this Colony, upon goods imported into this Colony, except as hereinafter exempted, the several duties of Customs as the same are respectively inserted, described and set forth in the first Schedule hereto. Import Duties.
3. The goods enumerated in the Second Schedule hereto shall and may be imported free of duty. Exemptions.
4. Goods exempted from duty as being imported for the use of His Majesty's Army, Air Force or Navy, or for any purpose for which such goods may be imported free of duty, and any other goods the property of the Crown, shall, in the case of disposal other than in the manner laid down in Schedule 2 hereto, become liable to and be charged with the same duties payable on the like goods on their importation for other purposes; and if such duties be not paid such goods shall be forfeited, and may be seized and dealt with accordingly. Subsequent sale of goods exempt from duty.
5. From and after the coming into operation of this Ordinance there shall be raised, levied, collected and paid, unto His Majesty, his heirs and successors, for the use of this Colony, upon the several kinds of produce mentioned in the Third Schedule hereto which shall have been raised in this Colony, and which shall be shipped for places beyond the limits of this Colony, the several duties of Customs as the same are respectively inserted, described and set forth in the said Schedule. Export Duties.

Definition of British Empire.

6. In this Ordinance:— "The British Empire" means the United Kingdom of Great Britain and Northern Ireland, the Dominions, India, Burma, the territories administered by His Majesty's Governments in the Dominions under mandate or otherwise, the British Colonies, the British Protectorates and protected States, and the mandated Territories of Tanganyika, the Cameroons under British Mandate, and Togoland under British Mandate.

Repeal of No. 1 of 1900.

7. The Tariff Ordinance 1900, and all Ordinances amending it are hereby repealed.

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

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

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

KENNETH BRADLEY,
Colonial Secretary.

Section 2.

FIRST SCHEDULE.

TARIFF OF IMPORT DUTIES.

On Spirits, not exceeding the strength of proof, as ascertained by Sikes' Hydrometer, and in proportion for any greater strength than strength of proof, including mixtures and preparations containing spirits, per gallon	...	...	£1.	6.	0.
On Wine in cask, per gallon	...	...	...	5.	0.
On Wine in bottle, per doz. litres	...	...	...	15.	0.
On Wine in bottle, per doz. reputed quarts	...	...	...	11.	0.
On Wine in bottle, per doz. reputed pints	...	...	...	5.	6.
On British Wines and all other unenumerated and unexempted beverages not liable to spirit duty.	...	...	...	...	...
In Cask, per gallon	...	...	...	3.	0.
In bottle, per doz. litres	...	...	...	8.	9.
In bottle, per doz. reputed quarts	...	...	...	6.	6.
In bottle, per doz. reputed pints	...	...	...	3.	3.
On Malt Liquor, mum. spruce, cider and perry	...	...	...	...	...
In cask, per gallon	...	...	...	1.	0.
In bottle, per doz. reputed quarts	...	...	...	2.	0.
In bottle, per doz. reputed pints	...	...	...	1.	0.
On Cigars, per pound	...	...	...	8.	0.
On Cigarettes, cut and manufactured tobacco and snuff, per pound	...	...	...	5.	0.
On all other unexempted tobacco, per pound	...	...	...	4.	0.

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

On Matches, for every gross of boxes, not exceeding 10,000 matches	10.	0.
For every gross of boxes exceeding 10,000 matches, per 10,000 matches, and so in proportion	...	...
	10.	0.

Provided that the tariff of import duties on matches manufactured in and consigned from any part of the British Empire shall be at one half of the aforesaid tariff.

Section 3.

SECOND SCHEDULE.

EXEMPTIONS.

The following articles shall be exempted from the payment of duty:-

Perfumed Spirits and Cologne Water, fortified limejuice not exceeding 15% proof spirit, lemonade, ginger ale, ginger beer, soda water, potash and all other mineral waters including material for manufacturing the same; provided that such material shall not exceed 99% of proof spirit content.

Naphtha or methylic alcohol in its crude state and not fit for use as a potable spirit or for admixture with a potable spirit.

Ethyl alcohol imported with the approval of the Senior Medical Officer.

Tobacco forming an ingredient in sheep wash, or hop powder manufactured in bond in the United Kingdom.

All articles imported or taken out of bond for the use in recognised messes, camps and canteens by His Majesty's Navy or by overseas units of His Majesty's Army or Air Force, and all articles imported for exportation or for shipment as stores by His Majesty's Navy.

Military, Air and Naval Departments and messes purchasing any article whatsoever duty paid for consumption within their own camps, messes or canteens shall be entitled to have the duty refunded out of the public Treasury on the certificate of the Officer in command of any Military, Air or Naval Department, or of any of His Majesty's Ships of War.

The Consulates in this Colony of any foreign countries in which is accorded or in which hereafter may be accorded to British Consular Officers the privilege of exemption from Customs Duties in respect of official goods imported into such foreign countries by His Majesty's Government for the use of His Majesty's Consulates shall have a like privilege granted to them of exemption from any duties that may be levied in this Colony on goods which may be imported by their respective governments as bona-fide official supplies for the use of such Consulates.

THIRD SCHEDULE.

Section 5.

EXPORT DUTIES.

On Wool, for every 25 pounds or part thereof,	One shilling.
On Whale Oil, per barrel of 40 gallons,	One shilling & sixpence.
On Seal Oil, per barrel of 40 gallons,	One shilling & sixpence.
On Guano, for every 100 pounds or part thereof,	One penny halfpenny.
On Whale Meat Meal, for every 100 pounds or part thereof,	One penny halfpenny.

FALKLAND ISLANDS :

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

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 3 of 1943.

I ASSENT,

A. W. CARDINALL,

Governor.

6th December, 1943.

An Ordinance

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

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Revised Edition of the Laws Ordinance, 1943. Short Title.

2. In this Ordinance—

Definition.

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

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

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

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

Appointment of
Commissioner.

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

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

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

Power of
Commissioner.

(1) To omit—

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

(f) all enacting clauses.

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

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

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

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

(6) To divide Ordinances into parts or divisions.

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

(8) To supply or alter marginal notes.

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

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

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

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

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

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

Omission of certain Ordinances from the revised edition.

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

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

Mode of dealing with alteration in substance.

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

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

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

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

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

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

Bringing of revised edition of Ordinances into force.

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

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

Saving of existing subsidiary legislation.

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

Subsidiary legislation.

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

Omission of certain subsidiary legislation from the revised edition.

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

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

Bringing revised edition of subsidiary legislation into force.

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

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

Complementary matter in revised edition.

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

Construction of references to repealed or amended enactments.

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

Copies to be signed and deposited.

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

Distribution of copies of revised edition.

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

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

Expenses of preparation and publication.

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

Place of this Ordinance in the new edition.

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

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

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

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

KENNETH BRADLEY,
Colonial Secretary.

FIRST SCHEDULE

Section 5.

ENACTMENTS TO BE OMITTED FROM THE REVISED EDITION OF ORDINANCES.

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

SECOND SCHEDULE

Section 11.

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

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

FALKLAND ISLANDS :

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

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 4 of 1943.

I ASSENT,

A. W. CARDINALL,

Governor.

6th December, 1943.

An Ordinance

To legalise certain payments made in the year One thousand Nine hundred and Forty-two in excess of the Expenditure sanctioned by Ordinance No. 8 of 1941.

WHEREAS it is expedient to make further provision for the service of the Colony for the year 1942.

Preamble.

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

Enacting Clause.

1. This Ordinance may be cited for all purposes as the Supplementary Appropriation (1942) Ordinance, 1943.

Short Title.

2. The sums of money set forth in the Schedule hereto having been expended for the services therein mentioned beyond the amounts granted for those services by the Ordinance providing for the service of the year One Thousand nine hundred and forty-two, the same are hereby declared to have been duly laid out and expended for the service of the Colony in that year, and are hereby approved, allowed and granted in addition to the sums mentioned for those services in the said Ordinance.

Appropriation of excess expenditure for the year 1942.

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

L. W. ALDRIDGE,

Clerk of the Legislative Council.

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

KENNETH BRADLEY,

Colonial Secretary.

SCHEDULE.

Number.	Head of Service.	Amount.		
		£	s.	d.
FALKLAND ISLANDS.				
I.	Pensions	405	5	5
IV.	Treasury & Customs	322	3	0
VI.	Post Office	1264	6	7
VIII.	Harbour	2383	13	5
IX.	Legal	160	9	3
XI.	Medical	633	0	7
XVII.	Miscellaneous	3925	18	1
XIX.	Public Works Recurrent	1923	16	1
XXI.	Military War Expenditure	12248	17	9
Total Ordinary Expenditure		£ 23267	10	2

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 5 of 1943.

I ASSENT,

A. W. CARDINALL,

Governor.

6th December, 1943.

An Ordinance

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

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows :—

1. Notwithstanding any provisions to the contrary contained in the Tariff Ordinance, 1900, as amended by the Tariff (Export Duties) Amendment Ordinances, 1923 and 1924, the duty of Customs to be raised, levied and collected upon whale oil and upon seal oil which shall be raised in the Colony or in the Dependencies thereof during the 1943-44 whaling season and during the 1944 sealing season shall be fixed at the rate of one shilling and sixpence for each barrel of forty gallons.

Rate of duty on export of Whale and Seal oil during the 1943-1944 whaling season and 1944 sealing season.

2. This Ordinance may be cited as the Tariff (Export Duties) Amendment Ordinance, 1943 and shall be read and construed as one with the Tariff (Export Duties) Amendment Ordinances, 1923 and 1924.

Short Title.

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

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

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

KENNETH BRADLEY,
Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 6 of 1943.

I ASSENT,

A. W. CARDINALL,

Governor.

6th December, 1943.

An Ordinance

To provide for the service of the year
1944.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows :—

Enacting Clause.

1. This Ordinance may be cited for all purposes as the Appropriation (1944) Ordinance, 1943.

Short Title.

2. The Governor may cause to be issued out of the Public Revenue and other funds of the Colony and applied to the service of the year ending the 31st December, 1944, a sum not exceeding One hundred and seven thousand Three hundred and Fifty-one pounds, which sum is granted and shall be appropriated for the purposes and to defray the charges of the several services expressed and particularly mentioned in the Schedule hereto which will come in course of payment during the year 1944.

Appropriation of
£107,351 for service
of year 1944.

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

L. W. ALDRIDGE,

Clerk of the Legislative Council.

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

KENNETH BRADLEY,

Colonial Secretary.

SCHEDULE.

Number.	Head of Service.	Amount.		
		£	s.	d.
FALKLAND ISLANDS.				
I.	Pensions	3500	0	0
II.	The Governor	2642	0	0
III.	Colonial Secretary	2740	0	0
IV.	Treasury and Customs	2078	0	0
V.	Audit	10	0	0
VI.	Post Office	5995	0	0
VII.	Electrical and Telegraphs	6214	0	0
VIII.	Harbour	1193	0	0
IX.	Legal	1136	0	0
X.	Police and Prisons	1245	0	0
XI.	Medical	7645	0	0
XII.	Education	4892	0	0
XIII.	Ecclesiastical	289	0	0
XIV.	Naturalist	607	0	0
XV.	Military	768	0	0
XVI.	Agriculture	9402	0	0
XVII.	Miscellaneous	4889	0	0
XVIII.	Public Works	3707	0	0
XIX.	Public Works Recurrent	9605	0	0
Total Ordinary Expenditure		£ 68557	0	0
XX.	Public Works Extraordinary	800	0	0
XXI.	War Expenditure	21247	0	0
XXII.	Land Sales Fund	355	0	0
Total Expenditure chargeable to Revenue		£ 90959	0	0
DEPENDENCIES.				
I.	Ordinary Expenditure	13892	0	0
II.	War Expenditure	2500	0	0
Total		£ 107351	0	0

PART II.

PROCLAMATIONS, REGULATIONS, Etc.

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FALKLAND ISLANDS.

No. 1.

Proclamation

1943.

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

A. W. CARDINAL L.

By His Excellency SIR ALLAN WOLSEY CARDINALL, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.

[L.S.]

WHEREAS by certain Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the 25th day of February, 1892, constituting the office of Governor and Commander-in-Chief in and over the Colony of the Falkland Islands, it was amongst other things declared that there should be an Executive Council in and for the said Colony which should consist of such persons as should be directed under the Royal Sign Manual and Signet.

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

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

JAMES GORDON GIBBS, Esq., M.Agr., Sc. Ph.D. (Minn.), Dip. Agr. (Linc., N.Z.)

to be a member of the Executive Council for a period of one year with effect from the 18th of February, 1943.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 18th day of February, in the Year of Our Lord One thousand Nine hundred and forty-three.

By His Excellency's Command,

KENNETH BRADLEY,

Colonial Secretary.

M.P. 81/33.

FALKLAND ISLANDS.

No. 2.

Proclamation

1943.

Importation of Essential and Non-essential Goods.

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

A. W. CARDINALL.

[L.S.]

By His Excellency SIR ALLAN WOLSEY CARDINALL, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.

Under the power and authority in me vested by Section 2 of the Exports and Imports (Emergency Powers) Ordinance, 1939, I, SIR ALLAN WOLSEY CARDINALL, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, do hereby proclaim and order and it is hereby proclaimed and ordered that the articles set out in paragraph (1) below be added to Schedule 2 of Proclamation No. 6 of 1941, and that the articles set out in paragraph (2) below be deleted therefrom :-

- (1) CLASS VII. Perfumery. Presentation soap caskets.
CLASS XI. Cake bands; Snapshots, scrap and autograph albums; paper serviettes.
CLASS XII. Handbags; Purses; Photograph and Picture Frames; Wallets; Fancy Buttons.
- (2) CLASS I. Bournvita and Ovaltine; Herbs; Macaroni; Honey; Slab Chocolate; Fish in tins; Fruit Juices & Syrups; Jellies; Pickles; Spices.
CLASS IV. Artificial Silk Hose & other Artificial silk underwear or haberdashery; Artificial silk piece goods or apparel; Carpets; Mats; Linoleum and other similar floor coverings.
CLASS VI. Bricks.
CLASS VII. Candles.
CLASS VIII. Dyes.
CLASS XII. Petrol Lighters.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 4th day of December, in the Year of Our Lord One thousand Nine hundred and Forty-three.

By His Excellency's Command,

KENNETH BRADLEY,

Colonial Secretary.

M.P. 46/41.

FALKLAND ISLANDS.

The King Edward Hospital Ordinance, 1916.

Regulations made by the Governor in Council under Section 8 of Ordinance No. 2 of 1916.

A. W. CARDINALL,

Governor.

No. 1 of 1943.

In pursuance of the powers in him vested by Section 8 of the King Edward Hospital Ordinance, 1916, His Excellency the Governor by and with the advice of the Executive Council, is pleased to make the following Regulations :—

1. These Regulations may be cited as the King Edward VII Memorial Hospital Regulations, 1943.

2. The Nurse Matron of the Hospital shall be responsible to the Senior Medical Officer for the proper nursing care of the inmates; for the domestic cleanliness of the Hospital and for the general observance of the rules by every nurse, servant, patient and visitor.

3. Every patient shall be admitted to and discharged from the Hospital by the Senior Medical Officer. The Senior Medical Officer may grant applications for admission to Hospital at his discretion.

4. Visitors to the inmates of general wards of the Hospital, unless by the express permission of the Senior Medical Officer, shall not be admitted save on such days and between such hours as the Senior Medical Officer may from time to time permit.

Patients who occupy a private ward may receive visitors between certain hours on every day of the week provided always that this does not inconvenience the Hospital staff in the nursing care of the patient.

The Senior Medical Officer may at his discretion forbid all visitors or limit the number of visitors or the length of visits to patients whether in general or private wards.

5. Any patient who in the opinion of the Senior Medical Officer misbehaves or breaks the Regulations or refuses the medical treatment ordered may be discharged from the Hospital.

6. Any person who enters the King Edward Memorial Hospital, Rock Cottage or the adjacent premises without just or reasonable cause commits an offence.

7. Any person who, having gained admission to the Hospital, Rock Cottage or the adjacent premises, refuses to leave immediately when requested to do so by the Senior Medical Officer or Nursing Sister on duty at the time, commits an offence.

8. Any patient, visitor or other person who refuses to leave the Hospital when requested to do so by the Senior Medical Officer or Nursing Sister on duty may be evicted.

9. Any patient or visitor who carries food or drink into the Hospital without the previous consent of the Nurse-Matron commits an offence.

10. Any person who conceals food or drink while in the Hospital commits an offence.

11. Anyone who commits an offence under these Regulations shall be liable to prosecution before a Court of Summary Jurisdiction.

12. The Regulations made on the 21st day of September, 1916, are hereby revoked.

Made by the Governor in Executive Council at a Meeting held on the 17th day of May, 1943.

L. W. ALDRIDGE,

Clerk of the Executive Council.

M.P. 53/43.

The Lighting Control Ordinance, 1938.

Regulations made under the provisions of the Lighting Control Ordinance, 1938.

No. 2 of 1943.

A. W. CARDINALL,
Governor.

His Excellency the Governor in virtue of the powers in him vested by Section 2 of the Lighting Control Ordinance, 1938, and with the advice and consent of the Executive Council, is pleased to make the following Regulations:—

1. These Regulations may be cited as the Lighting Control (Amendment) Regulations, 1943.
2. The Regulations made on the 17th day of October, 1939, are hereby revoked.

Made by the Governor in Executive Council at a Meeting held on the 17th day of May, 1943.

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

M.P. C/18/37.

The Stanley Rating Ordinance, 1928.

Regulations made under the provisions of the Stanley Rating Ordinance, 1928.

No. 3 of 1943.

A. W. CARDINALL,
Governor.

His Excellency the Governor in virtue of the powers in him vested by Section 12 of the Stanley Rating Ordinance, 1928, and with the advice and consent of the Executive Council, is pleased to make the following Regulations:—

1. When for any reason a property is empty for more than one month in any year of assessment, a rebate of one-twelfth of the annual assessment shall be made for each completed month during which the property is empty.

For the purpose of this Regulation "empty" shall mean uninhabited and devoid of all movable furniture.

2. These Regulations may be cited as the Stanley Rating Regulations, 1943.

Made by the Governor in Executive Council at a Meeting held on the 17th day of May, 1943.

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

M.P. 75/43.

FALKLAND ISLANDS.

Defence Force Ordinance, 1920.

Regulations defining efficiency.

No. 4 of 1943.

A. W. CARDINALL,
Governor.

In exercise of the powers conferred on him by Section 37 (1) (b) of the Defence Force Ordinance, 1920, His Excellency the Governor is pleased to order and it is hereby ordered as follows:

1. For the purpose of Regulation, No. 4 (1) of the Regulations relating to the award of the Efficiency Medal made by His Excellency the Governor on the 21st of August, 1935: a soldier, who had qualified for the medal in length of service on or before the 2nd day of September, 1939, shall be deemed to be efficient if he is granted a certificate of efficiency by the Officer Commanding, Falkland Islands Defence Force.

Made by the Governor in Executive Council at a Meeting held on the 3rd day of June, 1943.

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

Explanatory Note. Regulation 4 (1) of the Regulations relating to the award of the Efficiency Medal states that the requisite standard of efficiency shall be as laid down by His Excellency-in-Council by Regulations under the Defence Force Ordinance. The object of the Regulations published above is to lay down such a standard of efficiency as at the outbreak of war. It is not proposed at present to consider the cases of men who have, by length of service, qualified for the medal since that date in view of the fact that no instructions have yet been received from the Secretary of State as to how war service is to be regarded or as to how the question is affected by the introduction of conscription.

Regulations made by the Governor in Council under the Stanley Fire Brigade Ordinance, 1898, as amended by the Stanley Fire Brigade (Amendment) Ordinance, 1928.

No. 5 of 1943.

A. W. CARDINALL,
Governor.

1. The Regulations may be cited as the Town Hall, Fire Precaution (Revocation) Regulations, 1943.

2. The Town Hall, Stanley, Fire Precaution Regulations, 1928, made on the 22nd day of June, 1928, are hereby revoked.

Made by the Governor in Executive Council on the 30th of September, 1943.

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

M.P. 28/28.

FALKLAND ISLANDS.

The Pensions Ordinance 1937.

The Pensions (Amendment) Regulations, 1943.

A. W. CARDINALL,
Governor.

No. 6 of 1943.

In pursuance of the powers vested in him by Section 3 of the Pensions Ordinance, 1937, and otherwise, the Governor is pleased with the advice and consent of the Executive Council, and with the sanction of the Secretary of State, to make the following Regulations :-

Short Title.

1. These Regulations may be cited as the Pensions (Amendment) Regulations, 1943, and shall be read and construed as one with the Pensions Regulations, 1937.

Amendment to the
Schedule to Pensions
Regulations, 1937.

2. In the Schedule to the Pensions Regulations, 1937, between "Cyprus" and "Federated Malay States" there shall be inserted "Dominica".

Made by the Governor in Executive Council on the 7th day of December, 1943.

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

M.P. 54/40.

FALKLAND ISLANDS.

Falkland Islands Defence Regulations.

Order regulating the display of lights.

A. W. CARDINALL,
Governor.

No. 1 of 1943.

In exercise of the powers in him vested by the Falkland Islands Defence Regulations 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows :-

1. Notification of a period of black-out shall be the sounding of the general alarm or such other means as the Governor may from time to time determine.

2. After notification : between sunset and sunrise no artificial light shall be allowed to show from the exterior or interior of any premises in Stanley or from any vessel in Port Stanley or Port William and all lights on vehicles and hand torches must be adequately dimmed.

3. The Order regarding the display of lights made on the 9th day of December, 1941, is cancelled.

Dated this 15th day of January, 1943.

By Command,
KENNETH BRADLEY,
Colonial Secretary.

M.P. S/7/39.

Falkland Islands Defence Regulations.

Order for detention and control of Enemy Subject.

A. W. CARDINALL,
Governor.

No. 2 of 1943.

In exercise of the powers conferred on him by Regulation 17 (1) of the Falkland Islands Defence Regulations, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows :-

1. The Order by the Governor for the detention of HELMUTH KRAUSS made on the 16th day of April, 1941, is hereby varied as follows :-

The words "Officer Commanding, Falkland Islands Defence Force" shall be substituted for the words "Magistrate at South Georgia".

By Command,
L. W. ALDRIDGE,
for Colonial Secretary.

Stanley,
18th February, 1943.

M.P. C/4/42.

Falkland Islands Defence Regulations.

Order requisitioning certain cattle.

No. 3 of 1943.

A. W. CARDINALL,
Governor.

In exercise of the powers in him vested by Regulation No. 46 of the Falkland Islands Defence Regulations, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows :—

1. The milking herd including cows in calf, calves and young stock appertaining to the Registered Dairy, owned and operated by Mr. & Mrs. Harry Waghorn of Stanley shall be requisitioned.

2. His Excellency hereby appoints the Director of Agriculture to receive the cattle and to do all that may be necessary or expedient in connection with the requisition.

Dated this 10th day of May, 1943.

By Command,
KENNETH BRADLEY,
Colonial Secretary.

Order by His Excellency the Governor amending the Defence Regulations, 1939.

No. 4 of 1943.

A. W. CARDINALL,
Governor.

Under the authority of the Emergency Powers (Defence) Act of the United Kingdom, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows :—

(1) Regulation 25 of the Defence Regulations, 1939, is revoked and replaced by the following regulation.

Death penalty for
treachery.

25. If, with intent to help the enemy, any person does, or attempts or conspires with any other person to do, any act which is designed or likely to give assistance to the naval, military or air operations of the enemy, to impede such operations of His Majesty's forces, or to endanger life, he shall be guilty of felony and shall on conviction suffer death.

Dated this 17th day of May, 1943.

By Command,
KENNETH BRADLEY,
Colonial Secretary.

M.P. 139/40.

FALKLAND ISLANDS.

Falkland Islands Defence (Port) Order.

No. 5 of 1943.

A. W. CARDINALL,
Governor.

Under the provisions of Section 37 of the Colonial Defence Regulation and the Emergency Powers (Defence) Act, (United Kingdom) 1939, His Excellency the Governor is pleased to make the following Order :—

1. Section 5 of the Defence (Port) Order made by the Governor on the 5th of September, 1939, is hereby revoked and replaced by the following section.

5. No local boat or sailing craft shall enter, leave, or be under weigh in Port William or Stanley Harbour or within the territorial waters of the Colony, situated between South of a line drawn due East from Volunteer Point and North of a line drawn due East from Seal Point between the hours of sunset and sunrise.

Every Master or Owner of a local boat or sailing craft desiring to leave Port Stanley shall first apply to the Naval Officer-in-Charge for a permit, and shall state to the Naval Officer-in-Charge the nature of the intended sailing and of the probable date of the return of the vessel to the Port. He shall also apply to the Collector of Customs for a Customs Clearance when necessary.

Any person offending against this Order shall be liable to a penalty not exceeding ten pounds.

By Command,
KENNETH BRADLEY,
Colonial Secretary.

Stanley,
26th May, 1943.
M.P. 161/39.

Order by His Excellency the Governor amending the Defence Regulations, 1939.

No. 6 of 1943.

A. W. CARDINALL,
Governor.

Under the authority of the Emergency Powers (Defence) Act of the United Kingdom, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows :—

1. Order No. 8 of 1942, dealing with identification of Aliens in custody, made by the Governor on the 5th day of June, 1942 is hereby revoked.

Dated this 9th day of September, 1943.

By Command,
KENNETH BRADLEY,
Colonial Secretary.

M.P. S/17/42.

Order by the Governor requiring performance of services in ships.

No. 7 of 1943.

A. W. CARDINALL,
Governor.

Under the authority of the Emergency Powers (Defence) Act of the United Kingdom, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows :-

1. After Regulation 33A of the Defence Regulations, 1939, there shall be inserted the following Regulation :-

33AB. (1) The Governor or any person authorised by him to act under this Regulation may direct any British subject or British protected person in the Colony to perform such services in any British ship, not being a Dominion ship, as may be specified by or described in the direction, being services which that person is, in the opinion of the Governor or person authorised as aforesaid, capable of performing.

Power to require performance of services in ships.

(2) Any such direction shall, except so far as the contrary intention appears therefrom, continue in force until the direction is varied by a subsequent direction or withdrawn by the Governor or a person authorised as aforesaid.

(3) Any services required by a direction given under this Regulation to be performed shall be performed on such terms as to remuneration and conditions of service as the Governor or a person authorised as aforesaid may, in accordance with the provisions of this Regulation, direct :

Provided that in determining the terms upon which any such services are to be performed regard shall be had to any rates of salary, fees or wages for the performance of those services which appear to be usual, and in particular to any determination of the National Maritime Board of the United Kingdom relating to the remuneration and conditions of service of persons employed in the capacity in which the person to whom the direction relates is to serve.

(4) Section two hundred and forty of the Merchant Shipping Act, 1894, shall have effect as if there were included among the matters to be entered in the official log book the following matters, so far as they are known to the master of the ship :-

(a) the name of every person to whom a direction has been given under this Regulation to perform services as a member of the crew of that ship;

(b) the date on which and the place at which he joined the ship, or, if he failed to join the ship, the circumstances of his failure;

(c) if he fails in any other respect to comply with the direction, particulars of his failure.

(5) No British subject or British protected person who has been the master or a member of the crew of any ship at any time since the twenty-eighth day of April, nineteen hundred and forty-one, shall, except with the consent of the Governor or person authorised to act under this Regulation, accept any employment (other than an employment under a contract in operation at the date of this Regulation) except as the master or a member of the crew of a British ship.

Dated this 21st day of September, 1943.

By Command,
KENNETH BRADLEY,
Colonial Secretary.

M.P. 8/7/39.

FALKLAND ISLANDS.

Order by the Governor enforcing agreements to join ships abroad.

No. 8 of 1943.

A. W. CARDINALL,
Governor.

Under the authority of the Emergency Powers (Defence) Act of the United Kingdom, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows :-

1. After Regulation 33AB of the Defence Regulations, 1939, there shall be inserted the following Regulation :-

33AC (1) Where a person (hereinafter in this Regulation referred to as "a mariner") has agreed in accordance with the next following paragraph to go to a country outside the Colony and there join such ship as may be specified in, or in pursuance of, the agreement being a ship to which this Regulation applies, and to serve on board that ship in a capacity specified in the agreement, he shall be guilty of an offence against this Regulation if, without reasonable cause, he refuses or fails-

Enforcement of agreements to join ships abroad.

- (a) to present himself at any place at the time at which, or to the person to whom, he is required by or in pursuance of the agreement to present himself; or
- (b) to travel by any ship or other conveyance by which he is so required to travel; or
- (c) to join and serve on board a ship as so required.

(2) Every such agreement-

- (a) shall be in a form approved by the Shipping Master;
- (b) shall be made between the mariner and the Shipping Master or a person approved (either generally or in any particular case) for the purpose of this Regulation by the Shipping Master; and
- (c) shall be signed by the mariner in the presence of a Shipping Master;

and the signature of the mariner shall be attested by the Shipping Master.

(3) The ships to which this Regulation applies are ships belonging to His Majesty and ships, whether British or Foreign, chartered or requisitioned by or on behalf of His Majesty.

(4) In any proceedings for an offence against this Regulation, a certificate of the Shipping Master that at a particular time a ship was one to which this Regulation applies shall be evidence of that fact.

Dated this 3rd day of December, 1943.

By Command,
KENNETH BRADLEY,
Colonial Secretary.

M.P. 8/7/39.



ORDINANCES
of the
COLONY
of the
FALKLAND ISLANDS
enacted during the year
1944
together with the
Rules Regulations etc., etc.,
made during that year.

PART I.

ORDINANCES.

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

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

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[L.S.]



FALKLAND ISLANDS.

Ordinance No. 1 of 1944.

I ASSENT,

A. W. CARDINALL,

Governor.

23rd December, 1944.

An Ordinance Relating to the Licensing and Control of Dogs.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows :-

1. This Ordinance may be cited as the Dogs Ordinance, 1944. Short Title.
2. (1) In this Ordinance, unless the context otherwise requires, - Interpretation.
 - "domestic animal" includes horses, mules, asses, cattle, sheep, goats and swine.
 - "poultry" includes domestic fowls, turkeys, geese, ducks, guinea-fowl and peafowl.
- (2) The occupier of any house or premises where a dog is kept or permitted to live or remain at any material time shall be presumed to be the owner or keeper of the dog for the purpose of this Ordinance unless he proves that at the material time he was not the owner or keeper of the dog :

Provided that where there are more occupiers than one in any house or premises let in separate apartments or lodgings or otherwise, the occupier of that particular part of the house or premises in which the dog has been left or permitted to live or remain at the material time shall be presumed to be the owner or keeper of the dog.
3. (1) If any person living in a Town shall keep a dog without having in force a licence granted under this Ordinance authorizing him so to do, or shall keep a greater number of dogs than he shall be licensed to keep, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds. If, after conviction, a person neglects or refuses to licence the dog the court may order that the dog be destroyed : Licence for dogs kept in a town.

Provided that no licence fee shall be payable in respect of -

- (i) any dog under the age of six months; or

- (ii) any dog which is kept for use solely in connection with the work or business of its owner :

Provided also that where an owner of or a master of hounds has taken out proper licences for all hounds entered in any pack kept by him, it shall not be necessary for him to take a licence in respect of any hound under the age of twelve months.

(2) In any proceedings for keeping a dog without a licence, the proof of the age of the dog shall lie upon the defendant.

Granting of licences and keeping register.

4. (1) The Chief Constable shall issue all dog licences which shall expire on the 31st day of December next following the date of issue. The licences and fees prescribed under this Ordinance shall be levied by and paid to the Chief Constable and all such licences and fees shall form part of the general revenues of the Colony.

(2) The Chief Constable shall keep a register of all such licences granted by him specifying the name and place of abode of every person licensed and the number of dogs which each person shall be licensed to keep; and any justice or constable, and upon the payment of the prescribed fee any other person, may at any convenient time inspect the register of licences.

Transfer of dogs.

5. Where a dog is transferred by sale or gift, the validity of any licence issued in respect of such dog shall not be affected thereby if the person to whom the dog is transferred produces the licence and gives notice of the transfer to the Chief Constable within seven days thereof. Upon the receipt of the licence and the said notice and on payment of the prescribed fee, the Chief Constable shall make an entry of the transfer in the register and shall endorse the licence accordingly, but if notice be not given within the prescribed period and the fee paid, the dog shall be deemed to be kept without a licence.

Production of licence.

6. If any person who shall have taken out a licence under this Ordinance shall not produce and deliver such licence to be examined and read by any constable, within a reasonable time after such constable shall request the production of the same, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds.

Seizure of stray dogs.

7. (1) Where a constable has reason to believe that any dog found in a street or place of public resort is a stray dog, he may seize the dog and may detain it until the owner or keeper has claimed it and paid all expenses incurred by reason of its detention.

(2) Where any dog so seized wears a collar having inscribed thereon or attached thereto the address of any person, or the owner or keeper of the dog is known, the Chief Constable, or any person authorized by him in that behalf, shall serve upon the person whose address is given on the collar, or upon the owner or keeper, a notice in writing stating that the dog has been so seized, and will be liable to be sold or destroyed if not claimed within seven clear days after the service of the notice.

(3) A notice under this section may be served either —

- (a) by delivering it to the person upon whom it is to be served; or
- (b) by leaving it at that person's usual or last known place of abode, or at the address given on the collar; or
- (c) by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode, or at the address given on the collar.

(4) Where any dog so seized has been detained for seven clear days after the seizure, or, in the case of such a notice as aforesaid having been served with respect to the dog, then for seven clear days after the service of the notice, and the owner or keeper has

not claimed the dog and paid all expenses incurred by reason of its detention, the Chief Constable, or any person authorized by him in that behalf, may cause the dog to be sold or destroyed in a manner to cause as little pain as possible.

8. Any person who takes possession of a stray dog shall forthwith either return the dog to its owner or keeper or give notice in writing to the Chief Constable containing a description of the dog and stating the place where the dog was found and the place where the dog is detained, and any person failing to comply with the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding two pounds.

Notice to police of finding of stray dogs.

9. The owner or keeper of a dog shall be liable in damages for injury done to any domestic animals or poultry by that dog; and it shall not be necessary for the person seeking such damages to show a previous mischievous propensity in the dog, or the owner's or keeper's knowledge of such previous propensity, or to show that the injury was attributable to neglect on the part of the owner or keeper.

Liability of owner of dog for injury to domestic animals or poultry.

10. Between the first day of August and the last day of November of each year no person shall take any dog upon or across any sheep station without the permission of the owner or manager of such station previously obtained. Such permission shall not be unreasonably withheld.

Dogs not to be taken through sheep stations during lambing season.

Any person who fails to comply with the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten pounds.

Penalty.

11. A court of summary jurisdiction may take cognizance of a complaint that a dog is dangerous, and not kept under proper control, and if it appears to the court that such dog is dangerous, the court may make an order in a summary way directing the dog to be kept by the owner or keeper under proper control or destroyed, and any person failing to comply with such order shall be guilty of an offence and shall be liable to a penalty not exceeding one pound for every day during which he fails to comply with such order.

Dangerous dogs may be destroyed.

12. Any person shall be liable to a fine not exceeding forty shillings, who within the town of Stanley or any town hereafter defined and declared a town by the Governor in Council shall, being the owner or keeper of any bitch, suffer her when on heat to be off the chain or not shut up in some secure place.

13. Where the death of a person is occasioned by the bite of a dog to which any wrongful act, neglect or default of any person shall be contributory, that act, neglect or default shall be deemed to cause the death for the purposes and within the meaning of the Fatal Accidents Act, 1846, and the Fatal Accidents (Amendment) Act, 1864.

Fatal Accidents Acts to apply to dog bites.

9 & 10 Vict. c. 93.
27 & 28 Vict. c. 95.

14. The Governor in Council may make rules for prescribing forms, fixing fees and generally for the carrying into effect of any of the provisions or purposes of this Ordinance.

Rules.

15. The Dog Licences Ordinance, 1853; The Dogs Ordinance, 1868; The Dogs Ordinance, 1892; The Dogs Ordinance, 1930; and The Dog Licences (Amendment) Ordinance, 1931, are hereby repealed.

Repeal of
No. 6 of 1853.
No. 3 of 1868.
No. 5 of 1892.
No. 6 of 1930.
No. 5 of 1931.

Passed by the Legislative Council this 20th day of December, 1944.

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

Assented to by the Governor and given under the Public Seal of the Colony this 23rd day of December, 1944.

KENNETH BRADLEY,
Colonial Secretary.

[L.S.]



FAULKLAND ISLANDS.

Ordinance No. 2 of 1944.

I ASSENT,

A. W. CARDINALI,

Governor.

23rd December, 1944.

An Ordinance To control Fishing.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Fisheries Ordinance, 1944. Short title.
2. In this Ordinance : Definition.
 - “fish” means any marine or fresh water animal not being a member of the Class Mammalia (milk giving animals) or the Class Aves (birds).
 - “fishing” means killing, pursuing, fishing for, injuring, capturing, shooting at, disturbing or molesting by any method.
3. Subject to the provisions of this Ordinance the Governor in Council may from time to time by order make regulations applicable to the whole or any part of the Colony or its fresh waters or to Colonial waters or to the whole or any part of the Dependencies or their territorial waters as to all or any of the following matters—Power to make regulations—
 - (a) prescribing close seasons within which it shall not be lawful to fish for all or any particular fish; Close season.
 - (b) prohibiting, restricting or regulating the fishing for all or any particular fish in any specified locality; Topographical restrictions.
 - (c) prohibiting, restricting or regulating any method or means of fishing, and the use for fishing of any gear, material, instruments, or things and authorising the seizure of gear, material, instruments or things of which the use for fishing is for the time prohibited, restricted, or regulated; Methods.

- Trafficking. (d) prohibiting, restricting or regulating the removal, transfer, sale or purchase of any fish and the removal transfer, sale or purchase of any material or substance or thing manufactured from fish;
- Curing &c. (e) prohibiting, restricting, or regulating the manufacture, curing or preservation for any purpose of any fish or material or substance derived or extracted from fish and the conditions and methods of such operations;
- Import & Export. (f) prohibiting, restricting or regulating the import or export of fish or any material, substance or thing manufactured from fish;
- Scientific purposes. (g) allowing or regulating the import, export, fishing for or possession or sale of any fish for scientific purposes;
- Licences. (h) prescribing the forms, conditions and duration of licences and permits, by whom, to whom, in what circumstances and on what conditions they are to be issued, the fees to be paid therefore, the royalties to be paid on the fish captured, the register to be kept by the holders and the returns to be made;
- General. (i) generally for the carrying into effect of any of the provisions or purposes of this Ordinance.

Export licences necessary.

4. Unless he has been previously licensed to do so it shall not be lawful for any person either—

- (a) to fish in the fresh or territorial waters of the Colony or Dependencies for any fish for the purpose of export.
- (b) to export from the Colony or Dependencies any fish or any substance or thing manufactured from fish which has been landed, transhipped, cured, preserved, or treated in the Colony or Dependencies or within territorial waters.

Offences.

5. (a) Any person who contravenes any provision of this Ordinance or any regulation made under it or who fails to comply with any requirement of this Ordinance or of any regulation, or who commits a breach of the conditions of any licence or permit held by him, or who fails to comply with any lawful order given to him under any power conferred by any regulation, and any person who attempts to commit, or abets such an offence shall be guilty of an offence against this Ordinance.

Penalties.

(b) Any person guilty of an offence against this Ordinance shall on summary conviction be liable to a fine not exceeding fifty pounds for a first offence and to forfeiture of any vessel, boat or gear used in committing the offence and to forfeiture of any fish in respect of which an offence has been committed, and for a second offence shall be liable to a penalty not exceeding one hundred pounds as well as to the said forfeitures.

Repeal of No. 4 of 1920.

6. The Sea Fisheries Ordinance, 1920 is hereby repealed.

Passed by the Legislative Council this 20th day of December, 1944.

L. W. ALDRIDGE,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 23rd day of December, 1944.

KENNETH BRADLEY,

Colonial Secretary.



[L.S.]

FALKLAND ISLANDS.

Ordinance No. 3 of 1944.

I ASSENT,

A. W. CARDINALL,

Governor.

23rd December, 1944.

An Ordinance

To consolidate and simplify the law relating to Dangerous Drugs.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Dangerous Drugs Ordinance, 1944. Short Title.

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

“dangerous drugs” includes all those substances mentioned and defined in the provisions of the Dangerous Drugs Convention Protocol and Final Act signed at Geneva on the nineteenth of February nineteen hundred and twenty five together with any substances that subsequently may have been communicated by the Secretary General of the League of Nations to the Colony of the Falkland Islands as Dangerous Drugs, and the several substances mentioned in the Schedule to this Ordinance.

“import authorization” means a licence issued by the Senior Medical Officer, authorizing the importation of a specified quantity of a dangerous drug and containing full particulars of the drug, together with the name and address of the person from whom the drug is to be obtained, the name and address of the person authorized to import the drug, and the period within which the importation must be effected.

“import certificate” means a certificate issued by the Senior Medical Officer in the Colony of the Falkland Islands.

Governor in Council
may add to the
Schedule.

3. If it appears to the Governor in Council that any new drug or drugs not previously specified may be productive, if improperly used, of ill effects, then the Governor in Council may by Proclamation declare the said drug or drugs to be "dangerous drugs" within the meaning of this Ordinance.

Restriction of imports
or sale or distribution
of Dangerous Drugs.

4. It shall be unlawful for any person in the Colony to cultivate, import, manufacture, export, supply, procure, sell or give away any dangerous drugs save under licence or authorization of the Senior Medical Officer in the manner hereinafter set forth in this Ordinance. Provided that the administration by or under the direct supervision of a registered Medical Officer, registered Dentist, or duly qualified Veterinary Surgeon or other officer acting as such, shall not be deemed to be supplying dangerous drugs within the meaning of this Ordinance.

Import of Dangerous
Drugs.

5. (a) An import authorization permitting the importation of any dangerous drug specified therein may be granted by the Senior Medical Officer of the Colony, subject to such conditions as he shall deem fit, to any person who in his discretion appears to be a proper person to import dangerous drugs.

(2) Where an import authorization is issued in pursuance of sub-section (a) of this section the Senior Medical Officer shall also issue in relation to the dangerous drugs intended to be imported an import certificate which shall be forwarded by the intending importer to the person from whom the drug is to be obtained.

Governor in Council
may make regulations

6. The Governor in Council may make regulations governing—

(a) the export of dangerous drugs from the Colony;

(b) dangerous drugs in transit;

(c) power to search where an offence against this Ordinance is suspected;

(d) supply and distribution within the Colony under the supervision of Medical Practitioners registered under the Medical Practitioners, Midwives, and Dentists Ordinance, 1914.

(e) generally the effective administration of this Ordinance.

Penalty.

7. Any person who commits an offence against this Ordinance or any regulations made thereunder for which no special penalty is provided by this Ordinance or any regulation made thereunder shall, in respect of each offence, be liable to a fine not exceeding one thousand pounds, or to penal servitude for a period not exceeding ten years, or to both such fine and penal servitude and shall, in every case on conviction for the offence forfeit to His Majesty all articles in respect of which the offence was committed, and the court before which the offender was convicted may order any forfeited articles to be destroyed or otherwise disposed of as the court think fit.

Prosecution of
offences.

8. Offences under this Ordinance or any regulation made thereunder may be prosecuted and penalties and forfeitures under this Ordinance, or any regulation made thereunder, may be recovered before a Magistrate or any two Justices of the Peace in a summary manner or by action in the Supreme Court of the Colony, together with full costs of suit:

Provided that any penalty imposed by a Magistrate or two Justices of the Peace shall not exceed One hundred pounds, exclusive of costs, and imprisonment for a period not exceeding six months.

9. Any constable may arrest without warrant any person who has committed, or attempted to commit, or is reasonably suspected by the constable of having committed or attempted to commit, an offence against this Ordinance, if he has reasonable ground for believing that person will abscond unless arrested, or if the name and address of that person are unknown to and cannot be ascertained by him.

Power of arrest.

10. Nothing in this Ordinance shall apply to the sale of—

Exemptions to
Ordinance.

(a) any poison when made up or compounded as a medicine according to the prescription of a duly qualified medical practitioner, registered dentist, qualified veterinary surgeon or agricultural officer acting for him, provided the medicine is labelled with the name and address of the vendor and the ingredients thereof are entered, with the name of the person to whom it is sold or delivered, in a book to be kept for that purpose;

(b) patent medicines;

(c) photographic materials for the purpose of photography;

(d) medicines dispensed by a veterinary surgeon or agricultural officer acting for him, for animals under their treatment; or

(e) fly poison papers or packets of poisonous mixture for the destruction of vermin or weeds when duly marked as such.

11. Whosoever, being the owner or other person in charge or possession of any poison, leaves it in any place (whether the same is ordinarily accessible to others or not) unless the bottle or package of whatever kind in which the poison is contained is marked "Poison" and is otherwise duly labelled shall be liable to a penalty not exceeding twenty pounds.

Poisons to be labelled.

12. This Ordinance shall be in force in the Dependencies as well as in the Colony.

Application of
Ordinance.

13. The Poisons Ordinance, 1914; the Dangerous Drugs Ordinance, 1925; the Dangerous Drugs (Amendment) Ordinance, 1932; the Dangerous Drugs (Amendment) Ordinance, 1934, and the Dangerous Drugs (Amendment) Ordinance, 1935, are hereby repealed.

Repeal of
No. 6 of 1914.
No. 8 of 1925.
No. 9 of 1932.
No. 10 of 1934.
No. 2 of 1935.

Passed by the Legislative Council this 20th day of December, 1944.

L. W. ALDRIDGE,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 23rd day of December, 1944.

KENNETH BRADLEY,

Colonial Secretary.

ACONITE, aconitine, and their preparations.
 ALKALOIDS, all poisonous vegetable alkaloids not specifically named in this schedule, and their salts, and all poisonous derivations of vegetable alkaloids.
 ANTIMONY, and its medicinal preparations.
 ARSENIC, and its medicinal preparations.
 ATROPINE, and its salts, and their preparations.
 BARBITURATES.
 BELLADONNA, and all preparations or admixtures (except Belladonna plasters) containing 0.1 per cent or more of Belladonna Alkaloids.
 CANTHARIDES, and its poisonous derivatives.
 CARBOLIC ACID.
 CORROSIVE SUBLIMATE.
 CYANIDE OF POTASSIUM, and all poisonous cyanides and their preparations.
 DIGITALIS.
 EMETIC TARTAR, and all preparations or admixtures containing 1 per cent or more of Emetic Tartar.
 ERGOTS OF RYE, and preparations of Ergots.
 HYDRATE OF CHLORAL, or any preparation containing Hydrate of Chloral.
 MERCURIC IODIDE.
 MERCURIC SULPHOCYANIDE.
 NUX VOMICA, and all preparations or admixtures containing 0.2 per cent or more of Strychnine.
 OXALIC ACID.
 PICROTOXINE.
 PRECIPITATE RED, and all Chlorides of Mercury.
 PRECIPITATE, White.
 PRUSSIC ACID, and all preparations or admixtures containing 0.1 per cent or more of Prussic Acid.
 SAVIN and its oil, or other ecboles, and all preparations or admixtures containing Savin and its oil or other ecboles.
 STROPHANTHUS.
 SULPHATE OF ZINC.
 SULPHONAMIDE, SULPHAPYRIDINE, and related compounds.
 SULPHONAL.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 4 of 1944.

I ASSENT,

A. W. CARDINALL,

Governor.

23rd December, 1944.

An Ordinance

To consolidate and amend the law relating to the sale of intoxicating liquor.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Licensing Ordinance, 1944, and shall come into operation on a date to be fixed by notice by the Governor in the Gazette. Short Title and Commencement.
2. All licences held at the commencement of this Ordinance, and all licensed persons and licensed premises holding, or in respect of which a licence shall be held at the commencement of this Ordinance, shall, except where otherwise specially provided, be under and subject to the provisions of this Ordinance. Licence already held to be subject to this Ordinance.
3. Nothing in this Ordinance shall apply to any person selling any spirituous or distilled perfume, *bona-fide* as perfumery, nor to the prescription or administration of any liquor simply as medicine, or for medical purposes by or under the direction of any known or practising physician, surgeon or medical practitioner, nor to any person who holds a licence as auctioneer, selling liquor at public auction in quantities of not less than two gallons at any one time. Ordinance not to apply in certain cases.
4. No person shall sell or expose for sale any intoxicating liquor without being duly licensed to sell the same, or at any place where he is not duly authorised to sell the same, and any person who shall (except as the agent or servant of a licensed person, and then only in accordance with such person's licence) sell any liquor without a licence authorising such sale shall be liable to a penalty and to forfeit all liquor in his possession, with the vessels containing the same. No liquor to be sold without licence.
5. (1) The licensing authority shall be the Officer-in-charge of the Treasury. Licensing Authority.
 (2) The licensing authority may grant the following licences— Kinds of licence.

Publican's retail licence.
Billiard table licence.
Packet licence.
Wholesale licence.

Forms.

(3) Such licences shall be in such form and shall contain such particulars as shall from time to time appear to the licensing authority to be fit and proper.

Duration of licences.

(4) A Publican's retail licence and a Billiard table licence shall be in force for six months. A Packet licence and a Wholesale licence shall be in force for twelve months.

Publican's licence.

6. A publican's retail licence shall authorise the licensee to sell and dispose of any liquor in any quantity less than two gallons on the premises specified, on any day during the hours specified in Section 42 of this Ordinance.

Billiard licence.

7. A billiard table licence shall authorise the licensee to keep and maintain billiard or bagatelle tables for hire on the premises thereon specified, and to allow such tables to be used on such days and between such hours of the day as may be specified in the licence.

Packet licence.

8. (1) A packet licence shall authorise the master of the vessel therein mentioned, being a vessel by which passengers are conveyed from any place within the Colony or its Dependencies, to any other place within or without the Colony, to sell and dispose of liquor during her passage between such places to any passenger on board such vessel: provided that, in the case of voyages from one port or place in the Colony to another port or place in the Colony, no liquor on which the proper duties of customs have not been paid shall be sold or disposed of.

(2) No licence shall be necessary to authorise the granting, under the Customs Regulations, of allowances of liquor to the crew of such vessel.

Wholesale Licence.

9. A wholesale licence shall authorise the licensee to sell any liquor in any quantity on the premises specified in the licence, which, if more than one, must be contiguous to each other, provided that no liquor so sold shall be consumed on the premises.

Fees.

10. The fees which shall be paid for licences shall be as follows :-

	£	s.	d.
For a publican's retail licence for six months ...	10	0	0
For a billiard table licence for six months, each table ...	2	10	0
For a packet licence for twelve months ...	5	0	0
For a wholesale licence for twelve months ...	20	0	0

Power of licensing authority to issue licences.

11. Any person may, by application to the Licensing Authority, obtain a publican's, billiard table, or packet licence, on production of a certificate of good character and fitness signed by two Justices of the Peace not holding licences under this Ordinance, and approved by the Governor, and on payment of the fee hereinbefore set forth :

Proviso.

Provided always that every application made for the first time shall be published by the Licensing Authority for fourteen days in the official Gazette, and that the objections (if any) to such licence being granted shall have been heard and determined in manner hereinafter provided.

Objections to be heard by Governor in Council.

12. All objections to the granting or renewal of licences shall be heard and determined by the Governor in Council.

13. The objections that may be taken to the granting of an application for a licence may be one or more of the following:—That

the applicant is of bad fame and character, or of drunken habits, or has within twelve months previously forfeited a licence, or that the applicant has been convicted of selling liquor without a licence within a period of three years, or that the premises in question have not reasonable accommodation, or that the premises are in the immediate vicinity of a place of public worship, hospital, or school, or that the quiet of the place in which such premises are situated will be disturbed if a licence be granted. The objections which may be taken to the renewal of a licence may be one or more of the following:—

That the applicant is of bad fame and character, or of drunken habits, or that the premises in question are not maintained at the required standard, and also any other objection (whether or not of the same kind as any of the preceding objections) which appears to the Governor in Council to be sufficient :

Objections to licences.

Provided that at least three days' notice of such objections shall be given to the applicant before the day of hearing the same.

Proviso.

14. All licences held at the commencement of this Ordinance or granted during its operation may be renewed by the Licensing Authority on the terms and according to the provisions of this Ordinance without the certificate and publication required by Section 10, provided no objections be taken to such renewal. In any case where objections are taken the licence will not be renewed until such objections are heard and determined by the Governor in Council in favour of the licensee.

Renewal of licences.

15. The Magistrate may, at his discretion, grant on any special occasion to the holder of a publican's retail licence a special licence authorising such publican to keep his premises open during the hours specified on such special licence, and there shall be paid into the Treasury, on the issue of such special licence, the following fees :-

Power of Magistrate to issue special licence.

In respect of a licence authorising premises to be kept open during any period prohibited under Section 42 -

- (a) between mid-day and mid-night, any hour or part of an hour, five shillings and
- (b) after mid-night, any hour or part of an hour, ten shillings :

Provided that where the Magistrate or anyone authorised by him has requested the licensee to open or remain open no fee shall be payable.

Proviso.

16. The Magistrate may, at his discretion, grant on any special occasion to the holder of a billiard table licence a special licence, authorising such licensee to keep his premises open during the hours specified on such special licence, and there shall be paid into the Treasury, on the issue of such special licence, the following fees :-

Special billiard licence.

In respect of a licence authorising premises to be kept open during any period not specified in the licence under Section 7 -

- (a) between mid-day and mid-night, any hour or part of an hour, two shillings and
- (b) after mid-night, any hour or part of an hour, four shillings:

Provided that where the Magistrate or anyone authorised by him has requested the licensee to open or remain open no fee shall be payable.

Proviso.

17. The Magistrate may, at his discretion, grant to any person an occasional licence for the sale of intoxicating liquors at such place, in such quantities, and for such period of time not exceeding three consecutive days as may be specified in such licence, and on the issue of any such licence there shall be paid into the Treasury a fee at the rate of ten shillings per diem in respect of any place within three miles of a public-house, and five shillings per diem in respect of any other place :

Occasional licence.

Proviso.	Provided that no such licence shall be granted except with the consent of the occupier of the place specified in such licence.	
Grant of wholesale licence.	18. It shall be lawful for the Licensing Authority to grant to any person, company, or mercantile firm, or to the agent of such company or mercantile firm, a wholesale licence for twelve months on payment of the fee of twenty pounds.	
Name of licensed person to be affixed on premises.	19. Every licensed person shall cause to be painted or fixed, and shall keep painted or fixed on the front of the premises in respect of which his licence is granted, in a conspicuous place, and in letters at least three inches in length, his name, with the addition after the name of the word "licensed," and of words sufficient to express the business for which his licence has been granted, and no person shall have any words or letters on his premises importing that he is licensed in any way other than that in which he is in fact duly licensed. Every licensed person who acts in contravention of, or who fails to comply with the provisions of this section, shall be liable to a penalty.	
Retail dealers not to keep store.	20. Any person licensed to sell liquor by retail in Stanley, or in any town which may be hereafter proclaimed, who shall directly or indirectly keep a store, or sell, or barter goods on the premises for which a retail licence has been issued under this Ordinance, shall on conviction be liable to forfeiture of his licence and to a penalty.	
Licensee may supply meals.	21. The foregoing section shall not apply to any meals supplied by the licensee, nor to provisions consumed on the licensed premises, nor to the sale of tobacco where a licence for sale has been taken out under the provisions of the Tobacco Licence Ordinance, 1889.	
No. 10 of 1889.		
Samples of liquor may be taken for test purposes.	22. It shall be lawful for any constable to enter upon any premises where liquor is kept or stored for the purposes of sale and take samples of any such liquor to be tested, and any person refusing to furnish liquor required with this object, or who may interfere with, impede, resist or obstruct the officer in the discharge of his duty shall be liable to a penalty.	
Penalty for unlawful hire of billiard table.	23. Any person who shall permit or allow a billiard or bagatelle table to be used for hire on any premises for which a billiard table licence has not been obtained shall be liable to a penalty.	
Sanitary precautions.	24. Every holder of a publican's licence shall thoroughly cleanse and disinfect all the rooms, passages, stairs, floors, walls, ceilings, closets, cesspools and drains of the licensed premises to the satisfaction of and as often as shall be required by or in accordance with the directions of any inspector.	
Penalty for permitting room to be used as dancing saloon.	25. If any licensed person shall permit any room or portion of his licensed premises or the appurtenances thereof to be used or occupied as a dancing, concert or theatrical saloon, or as a place of common resort to which persons may be admitted by ticket or otherwise, he shall be liable to forfeit his licence. But nothing herein contained shall extend to prevent private societies or assemblies of persons from hiring and using such room or place and keeping the exclusive control over admission to such room or place, independent of or unconnected with the proprietor or keeper of such house; and on every occasion of the hiring of such room or place special leave shall be applied for in writing by one or more of the persons desiring such leave, and such leave shall be obtained in writing from and under the hand of the Magistrate; and the occasion on which and the name or names of one or more of the persons by or on behalf of whom such place is required shall be stated on the face of such written application and leave respectively :	
Proviso.	Provided that the Magistrate may, if he thinks fit, refuse to grant such application.	
	26. If any person who shall be duly licensed to sell liquor by retail shall be convicted of any offence against the laws for the proper regulation and good order of his house or against the conditions of the licence to him granted, such person, in addition to any penalty which may be awarded by the Court on account of such offence, may, at the option of the Court, be deprived of his licence and the said licence shall thereupon become null and void :	Power to revoke licence if holder is convicted.
	Provided that it shall be lawful for the Governor to remit any such forfeiture of a licence as aforesaid.	Proviso.
	27. If any master employing journeymen, workmen, servants or labourers shall pay or cause any payment to be made to any such journeymen, workmen, servants or labourers in or at any licensed premises or in any house in which liquor shall be sold, he shall be liable to a penalty.	Penalty for paying wages in licensed premises.
	Provided always that nothing herein contained shall extend to any licensed person paying his own journeymen, workmen, servants or labourers employed solely in his business as licensed person in his licensed house.	Proviso.
	28. No licensed person shall recover any debt or demand on account of any liquor supplied by him to any person for consumption on the premises; but such licensed person may sue for and recover the value of any liquor supplied in moderate quantity with meals to any person <i>bona fide</i> lodging in the house.	No debts for liquor recoverable.
	29. (1) If any licensed person shall receive in payment or as a pledge for any liquor or entertainment supplied in or from his licensed premises anything except current money, he shall be liable to a penalty. The person to whom belongs anything given as a pledge as aforesaid shall have the same remedy for recovering such pledge or the value thereof as if it had never been pledged.	Liquor to be sold for money only.
	(2) No licensed person shall receive payment in advance for any liquor to be supplied; and any payment so made in advance may be recovered notwithstanding that any liquor may have been supplied subsequently to such payment.	
	30. Any licensed person who allows to be supplied in his licensed premises by purchase or otherwise to be consumed on the premises any description whatever of spirits or of wine, ale, beer or porter to any person apparently under the age of eighteen years, of either sex, not being resident on the premises as a <i>bona-fide</i> guest, shall, as well as the person who actually gives or supplies the spirits, wine, ale, beer or porter, be liable to a penalty. Upon a conviction for a first offence against this section the convicted person (if licensed) shall be liable to have his licence suspended for six months; and in case of a second or any subsequent offence he shall be liable to forfeit his licence, and the premises in respect of which such licence is granted shall be liable to be declared disqualified for a period not exceeding five years.	Penalty for supplying children with liquor.
	31. Any person who sells or delivers any liquor to any person apparently under eighteen years of age, to be taken away from the premises, shall be liable to a penalty.	Selling or delivering liquor to children.
	32. If any licensed person knowingly harbours or knowingly suffers to remain on his premises any constable during any part of the time appointed for such constable being on duty, unless for the purpose of keeping or restoring order or in execution of his duty, or supplies any liquor or refreshments, whether by way of gift or sale, to any constable on duty, unless by the authority of some superior officer of such constable, or bribes or attempts to bribe any constable, he shall be liable to a penalty.	Penalty for harbouring constable.
	33. Where it shall be made to appear in open court that any person by excessive drinking of liquor misspends, wastes or lessens	Supply of liquor to drunkards prohibited.

his or her estate, or greatly injures his or her health, or endangers or interrupts the peace and happiness of his or her family, the Magistrate or any two Justices presiding in such court shall, by writing under their hands, forbid any licensed person to sell to him or her any liquor for a period not exceeding one year, and such Magistrate or Justices or any other two Justices may, at the same time or any other time, in like manner prohibit the selling of any such liquor to the said drunkard by any such licensed persons of any other district to which such drunkard shall or may be likely to resort for the same.

Prohibition renew-
able.

34. The said Magistrate or Justices or any two of them shall in like manner, renew any such prohibition as aforesaid as to all such persons as have not in their opinion reformed within the period specified and if any licensed person shall during any period of prohibition, after service of a copy thereof upon him or with a knowledge thereof in other manner acquired, sell to any such prohibited person any liquor, he shall be liable to a penalty.

Penalties.

35. Any person—

(a) against whom an order of prohibition has been made under Section 33 or renewed under Section 34 of this Ordinance who shall, within one year of the making or renewal of such order, be in any place where liquor is sold by retail; or

(b) who, being the holder of any retail liquor licence, shall suffer any such prohibited person to be in the place so licensed; or

(c) who sells, supplies or distributes intoxicating liquor or authorises such sale, supply or distribution to any such prohibited person,

shall be liable to a penalty.

Proviso.

Provided that the Magistrate hearing a charge under this section, upon being satisfied that the person charged did not wilfully contravene the provisions of this section, or used every effort to prevent a prohibited person from being or remaining on his premises and immediately gave information thereof to the police, may dismiss the charge against such person.

Drunkard may not
procure liquor.

36. When any person against whom a prohibition order has been made or renewed under Section 33 or 34 of this Ordinance shall—

(a) send or in any way influence any person to procure him liquor; or

(b) be found in possession of any liquor; or

(c) be found drunk in Stanley,

he shall be liable to a penalty.

Sales by auction for-
bidden on licensed
premises.

37. Any licensed person who shall permit any sale by auction to be made on his premises shall be liable to a penalty.

Penalty for permitting
gaming.

38. If any licensed person suffers any unlawful game or any raffle, lottery or betting to be carried on in his premises, or opens, keeps or uses or suffers his premises to be opened, kept or used for the purpose of fighting or baiting any dog, cock or other kind of animal, whether of domestic or wild nature, he shall be liable to a penalty. The penalty shall be irrespective of and in addition to any other penalties to which any person may be liable under any law relating to gaming or cruelty to animals respectively.

Forfeiture of licence
for permitting house
to be a brothel.

39. If any licensed person is convicted of permitting his premises to be a brothel, he shall be liable to a penalty, to forfeit his licence, and to be disqualified for any period from holding any licence for the sale of liquors.

40. Any licensed person may refuse to admit to and may turn out of the premises in respect of which his licence is granted any person who is drunken or who is violent, quarrelsome or disorderly, whether drunken or not, and any person whose presence on his premises would subject him to a penalty under this Ordinance, and may refuse to serve any such person with liquor if demanded only as a pretext for remaining on the premises.

Power to exclude
persons from premises
and to refuse liquor.

41. Any person who, upon being requested by a licensed person or his agent or servant or any constable to quit such premises, refuses or fails to do so, shall be liable to a penalty, and all constables are required, on the demand of such licensed person, agent or servant, to expel or assist in expelling every such person from such premises, and may use such force as may be required for that purpose.

Penalty for refusing
to quit premises on
demand.

42. All premises in which intoxicating liquors are sold by retail shall be open for the following hours only :

Hours for licensed
premises.

On Sunday, Christmas Day and Good Friday, from 12 noon until 1.0 p.m.

On Weekdays, from 9.0 a.m. until 1.0 p.m., and from 4.30 p.m. until 10.0 p.m.

Provided that it shall be lawful for the Governor in Council, at any time, by order, to vary the aforesaid hours.

Proviso.

43. Any person who, during the time at which licensed premises are directed to be closed by or in pursuance of this Ordinance, sells or exposes for sale on such premises, any liquor, or opens, or keeps open such premises for the sale of liquors, or allows any liquors, although purchased before the hours of closing, to be consumed on such premises, or during such aforesaid time allows any one whomsoever to play at billiards or bagatelle, or any other game on such premises, shall be liable to a penalty.

Penalty for sale of
liquor at unauthorised
times.

44. Nothing in this Ordinance shall preclude a person who is licensed to sell liquor, to be consumed on the premises, from selling such liquor at any time to persons *bona-fide* lodging in his house.

Saving as to lodgers.

45. The occupier of any unlicensed premises on which any liquor is sold, or, if such premises are occupied by more than one person, every occupier thereof, shall, if it be proved that he was privy or consenting to the sale, be subject to the penalties imposed upon persons for the sale of liquors contrary to licence.

Occupier of un-
licensed premises
liable for the sale of
liquor.

46. (1) If any purchaser of any liquor from a person who is not licensed to sell the same to be drunk on the premises, drinks such liquor on the premises where the same is sold, the seller of such liquor shall, if it shall appear that the drinking was with his privity or consent, be subject to a penalty.

Seller liable for drink-
ing on premises con-
trary to licence.

(2) For the purposes of this section the expression "premises where the same is sold" shall include the premises adjoining, or near the premises where the liquor is sold, if belonging to the seller or under his control, or used by his permission.

47. (1) If any person having a licence to sell liquors, not to be drunk on the premises, himself takes or carries, or employs or suffers any other person to take or carry any liquor out of, or from the premises of such licensed person, for the purpose of being sold on his account, or for his benefit or profit, and of being drunk or consumed in any other house, or in any tent, shed, or other building of any kind whatever, belonging to such licensed person, or hired, used, or occupied by him, or on or in any place, whether enclosed or not, and whether or not a public thoroughfare, such shall be deemed to have been consumed by the purchasers thereof on the premises of such licensed person with his privity and consent, and such licensed person shall be punished accordingly in manner provided by this Ordinance.

Evasion of law as to
drinking on premises
contrary to licence.

(2) In any proceeding under this section it shall not be necessary to prove that the premises, or place or places to which such liquor is taken to be drunk, belonged to or were hired, used, or occupied by the seller, if proof be given to the satisfaction of the court, that such liquor was taken to be consumed thereon or therein, with intent to evade the conditions of his licence.

Penalty on internal communication with unlicensed premises.

48. (1) Every person who makes or uses, or allows to be made or used, any internal communication between any licensed premises and any unlicensed premises which are used for public entertainments or resort, or as a refreshment house, shall be liable to a penalty.

(2) In addition to any penalty imposed, any person convicted of an offence under this section shall be liable if he be the holder of a licence, to forfeit such licence.

No bars beyond the number licensed to be used.

49. (1) After the grant of a publican's licence, no bar, beyond the number stated on the licence, shall be opened or used in or upon the licensed premises, except with the consent of the Magistrate, which consent shall be endorsed on the licence.

Fees for additional bars.

(2) If any person shall open or use any additional bar for the sale of liquors, or shall knowingly permit the same to be opened or used for such sale, without such consent and endorsement as aforesaid, and without having paid a licence fee at the rate of five pounds per annum for each additional bar, he shall be deemed to have been guilty of selling without a licence.

Evidence of sale or consumption of liquor.

50. (1) In proving the sale or consumption of liquor for the purpose of any proceeding relative to any offence under this Ordinance, it shall not be necessary to show that any money actually passed or any liquor was actually consumed, if the court hearing the case be satisfied that a transaction in the nature of a sale actually took place or that any consumption of liquor was about to take place; and proof of consumption or intended consumption of liquor, on premises to which a licence is attached by some person other than the occupier of or a servant in such premises, shall be evidence that the liquor was sold to the person consuming, or being about to consume, or carrying away the same by or on behalf of the holder of the licence.

Unlawful sale of liquor provable by purchaser thereof.

51. The evidence of any person shall be admitted in proof of unlawful sale of liquor, although he may have himself purchased the same, and such evidence, if otherwise good, shall be sufficient to support a conviction for such offence.

Persons deemed unlicensed if not producing licence.

52. (1) In all proceedings against any person for selling or allowing to be sold any liquor without a licence, such person may be deemed to be unlicensed, unless he shall at the hearing of the case produce his licence.

Prima facie evidence of unlicensed premises.

(2) The fact of any person, not being a licensed person, keeping up any sign, writing, painting, or other mark in or near to his house or premises, or having such house fitted up with a bar or other place containing bottles or casks displayed so as to induce a reasonable belief that such house or premises is or are licensed for the sale of any liquor, or that any is sold or served therein, or of there being on such premises more liquor than is reasonably required for the use of the persons residing therein, shall be deemed *prima facie* evidence of the unlawful sale of liquor by such person.

Forging, counterfeiting licence, etc., felony.

53. Every person shall be guilty of felony who shall forge, counterfeit, or alter, or cause to be forged, counterfeited, or altered, any licence, or any seal or signature to any licence, or shall use or tender in evidence any such forged, counterfeited, or altered licence, or seal or signature, knowing the same to be forged, counterfeited or altered.

54. If any licensed person permits drunkenness or any violent, quarrelsome, or riotous conduct to take place on his premises, or sells any liquor to any person already in a state of intoxication, or by any means encourages and incites any person to drink, he shall be liable to a penalty.

Penalty for permitting drunkenness.

55. Every house for which a publican's licence shall be granted shall be considered as a common inn, and no goods or chattels whatsoever *bona-fide* the property of any lodger or stranger, and being in such licensed house, or the appurtenances thereof, or any place used and occupied therewith in the ordinary course of resort at such licensed house, shall be subject to be distrained or seized for or in respect of any claim of rent for such licensed house or appurtenances, or in respect of any other claim whatsoever against the said house or appurtenances, or the owner thereof.

Protection of property of guests.

56. If any such goods or chattels shall be distrained or seized for rent, or in any other manner contrary to the provisions of this Ordinance, it shall be lawful for the Magistrate, or any two Justices, to inquire into any complaint made in such respect in a summary manner, and to order such goods or chattels to be restored to the owner or proprietor thereof, and to order the payment of such reasonable costs as shall be incurred by such summary proceedings.

Remedy in case of distress.

57. No publican shall be liable to make good to any lodger or guest any loss of or injury to goods or property brought to his licensed premises except in the following cases -

Limit of liability of landlord for property.

(a) Where such goods or property shall have been stolen, lost, or injured through the wilful act, default, or neglect of such licensee, or of any member of his family, or of any lodger, or any servant in his employ.

(b) Where such goods or property shall have been deposited expressly for safe custody with such licensee.

Provided always, that in the case of such deposit it shall be lawful for such licensee, if he think fit, to require as a condition of his liability that such goods or property shall be deposited in a box or other receptacle, fastened and sealed by the person depositing the same.

Proviso.

58. No claim for money lent or goods sold to any lodger or customer shall be recoverable by any publican before any court.

Money lent to lodgers or customers not recoverable by law.

59. Every licensed publican is required to provide suitable accommodation, with bed and board, for at least one traveller and if he fails to do so shall be liable to a penalty.

To provide accommodation for at least one traveller.

60. (1) No publican's retail licence shall be issued, in the first instance, to any person until an accurate description of the premises in writing, with a diagram or plan of the same attached thereto, shall have been furnished by the applicant, and approved by the Magistrate and the Board of Health, and should the description so furnished by such applicant be found to be false or inaccurate, the party making such false or inaccurate statement shall be liable to a penalty and to forfeit any licence which may have been granted to him by reason of such false or inaccurate description.

Accurate description of premises to be given.

(2) The description given by the applicant shall in all cases be endorsed on or embodied in the licence.

61. If any person holding any retail licence as aforesaid shall be desirous of removing from the premises described in the licence, to any other premises, or of altering the bar, or external doors or premises, it shall be lawful for the Magistrate with the approval of the Board of Health to authorise such removal or alteration should he see fit, provided that all the conditions of the last preceding section be first complied with :

Change or alteration of premises.

Proviso.	Provided also that objections to the removal of any licence may be made in manner provided herein in respect to objections to the granting of licences.	
Transfer of retail licences.	62. No publican's retail licence shall be transferred to any person except with the consent in writing of the Magistrate, and on the production of the person to whom the licence is proposed to be transferred of a certificate of good character and fitness as provided in Section 11 of this Ordinance.	
Managers or agents to be approved.	63. (1) Where any person holding a publican's retail licence employs any other person as his manager or agent, such manager or agent must first be approved by the Magistrate, which approval must be in writing, signed by him, and the name of such manager or agent must be endorsed upon the licence. (2) Any person acting in contravention of this section shall be liable to a penalty.	
Provision in case of the death of licensee.	64. In case of the death of any person holding a publican's retail licence, his widow, or any executor or administrator, or person appointed by them may, if approved by the Magistrate, carry on the business of the deceased on the licensed premises until the expiration of the licence :	
Proviso.	Provided always, that such approval must be endorsed upon the licence, and be signed by the Magistrate.	
Governor or Justices may order licensed houses to be closed.	65. It shall be lawful for the Governor, the Magistrate, or any two Justices of the Peace, when any riot, tumult, breach of the peace or disorderly conduct shall happen, or be expected to take place, to order any person holding a publican's retail licence, or transfer thereof, to close his house when and for so long as the Governor, the Magistrate, or the Justices shall direct; and if any such licensed person shall keep his house open during such time he shall be liable to a penalty.	
Searching unlicensed houses.	66. Upon reasonable cause of suspicion that any liquor is in or upon any house, premises, vessel or boat, which has been illegally sold, or is there for the purpose of illegal sale, or that any person is there illegally purchasing liquor, it shall be lawful for any Justice alone, or with any constable or constables, to enter and search any such house, premises, vessel or boat, or any part thereof at any hour; and it shall be lawful for any Justice to grant a warrant to search any such house, premises, vessel or boat, and such Justice either alone or with any constable or constables, or such person to whom such warrant may be addressed may and shall seize and remove to the police office all such liquor, together with the casks or bottles, and packages containing the same as shall be found there, and may and shall arrest any person found there illegally purchasing or selling liquor; and the Justice before whom the case shall be heard may, in addition to any penalty which he may impose, declare such liquor, together with the casks or bottles and packages containing the same, to be, and the same shall thereupon be forfeited to the use of His Majesty, unless the defendant shall prove that such liquor was not illegally sold, or there for the purpose of illegal sale.	
Constable may stop any person removing liquor.	67. If any person shall knowingly remove or convey any liquor for the purpose of being or that shall have been illegally sold he shall be liable to a penalty; and it shall be lawful for any constable to stop any person conveying in any manner any liquor, and if such person shall not upon request satisfy the constable that such liquor has not been illegally removed or sold as aforesaid, to detain and convey such person and liquor, together with the packages, before the Magistrate or any two Justices, and to seize and take into his possession the horse, cart, boat, vessel, or other conveyance used in removing the same; and if such person shall not satisfy the Magistrate or Justices that such liquor had not been illegally removed or sold as	
	aforesaid, they may declare the same to be forfeited to His Majesty, as well as the horse, cart, boat, vessel or other conveyance, if any, used in removing the same.	
	68. If any licensed person shall be convicted of felony, perjury, or infamous offence, he shall forfeit his licence. If convicted of a misdemeanour he shall be liable to forfeit his licence.	Forfeiture of licence for felony, etc.
	69. Any Justice holding a licence under this Ordinance who shall act as a Justice under any of the provisions of this Ordinance shall be liable to a penalty.	No licensed person to act as a Justice.
	70. If any licensed person shall mix, or suffer to be mixed with any liquor any unwholesome ingredient, or shall receive or have in his possession any unwholesome ingredient, with intent to mix the same with any liquor, he shall for each offence be liable to a penalty and to forfeiture of his licence, and all such unwholesome liquor and ingredients.	Adulterating liquor.
	71. Where any licensed person is convicted of any offence, and in consequence either becomes personally disqualified, or has his licence forfeited, the Magistrate on the application by or on behalf of the owner of the premises in respect of which the licence was granted (where the owner is not the occupier), and upon being satisfied that such owner was not privy to, nor a consenting party to the act of his tenant, and that he has legal power to eject the tenant of such premises, may by order authorise an agent to carry on the business of such premises until the end of the period for which such licence was granted, in the same manner as if such licence had been formally transferred to such agent.	Continuance of forfeited licence to owners of premises in certain cases.
	72. If any person holding a wholesale licence, or transfer thereof, shall sell or suffer to be sold on his premises any liquor by retail, or if any person holding a retail licence, or transfer thereof, shall directly or indirectly sell or suffer to be sold in or upon his house or premises at one time to one person any quantity of liquor amounting to or exceeding two gallons, he shall be liable to a penalty and upon a second conviction in addition to any other penalty his licence or the transfer thereof may be forfeited.	Penalty on persons holding a wholesale licence selling by retail, or retailer selling by wholesale.
	Provided always, that it shall be lawful for persons holding both wholesale and retail licences to sell liquor either by wholesale or retail on the same premises.	Proviso.
	73. Any owner, lessee, manager, or agent in charge of any station may, without a licence, sell liquor to shepherds and other employees, <i>bona-fide</i> in his own employment, provided such station be at a distance of not less than six miles from Stanley, or from any other town which may be hereafter proclaimed, and provided that such liquor shall have been properly imported into the Colony and the requisite duty has been paid thereon. Any owner selling liquor to other than his own employees shall be liable to a penalty.	Supply of liquor without licence by owner of stations to their employees under certain conditions.
	74. (1) "Still" means any apparatus susceptible of being used for the manufacture or rectifying of spirits and includes any portion of such apparatus.	Definition.
	(2) It shall not be lawful for any person to import or to have in his possession a still without having first received a permit in writing under the hand of the Colonial Secretary.	Importation of Still without permit forbidden.
	(3) For the purpose of enforcing the provisions of this Section, it shall be lawful for any Magistrate, Justice of the Peace, Officer of Customs or constable to enter into and search without warrant any buildings, premises, vessel or boat where there is reasonable cause to suspect that an illicit still may be found and to make such examination or enquiry as may be proper to ascertain whether any offence against this Ordinance has been committed.	Enforcement of provisions of Ordinance.

Persons unlawfully importing a still guilty of an offence.

Making, erecting, or concealing, or using a Still an offence.

Constables to be *ex-officio* inspectors.

Duties of inspectors.

Inspectors may enter premises and search for adulterated drink.

Penalty for obstructing inspector.

Commencement of prosecutions.

Application of fines, penalties, etc.

Penalties.

Powers of Governor in Council to make regulations.

Repeal of No. 11 of 1882. No. 6 of 1921. No. 3 of 1929. No. 12 of 1939. No. 8 of 1942.

(4) Any person unlawfully importing a still into the Colony or colonial waters thereof shall be guilty of an offence against this Ordinance.

(5) Any person found unlawfully in possession of, making, erecting, concealing, or using a still shall be guilty of an offence against this Ordinance.

75. The Chief Constable and all constables shall by virtue of their office be inspectors of licensed premises under this Ordinance. It shall be the duties of the inspectors to enforce and superintend the carrying out of this Ordinance in every respect.

76. Any inspector may at all times during business hours, and after such hours for reasonable cause, enter on any premises licensed under this Ordinance, and may examine every room and part of such premises, and take an account of all liquor therein, and may demand, select, and obtain any samples of liquor which may be in such house or premises, and on paying, or tendering payment for such samples of liquor may remove the same for the purpose of analysis or otherwise. If any licensed or other person in charge of any premises refuses or fails to admit any inspector demanding to enter in pursuance of this section, or refuses to permit any inspector to select or obtain such samples, or refuses or fails to furnish him with such light or assistance as he may require, or obstructs such inspector, or causes or permits him to be obstructed or delayed in the discharge of his duty, such licensed or other person shall be liable to a penalty.

77. All prosecutions under this Ordinance shall be commenced within six calendar months after the alleged offence.

78. All forfeitures shall be sold or otherwise disposed of in such manner as the Magistrate or Justices making the order may direct, and the proceeds of such sale or disposal shall be paid into the Treasury for the use of the Government.

79. (1) Any person who commits an offence against this Ordinance shall in addition to any penalty otherwise provided, be liable—

- (a) to a fine not exceeding twenty pounds or to imprisonment for a period not exceeding three months; and
- (b) for a second offence, to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months; and
- (c) for a third or subsequent offence, to both such last-mentioned fine and imprisonment.

(2) If a person convicted is the holder of a licence the court may order that particulars of the conviction be endorsed on the licence.

80. The Governor in Council may from time to time make, alter, annul and revoke regulations for the more effective carrying out of the purposes of this Ordinance, and may impose penalties for the breach of any such regulations.

81. The Licensing Ordinance, 1882; the Licensing Ordinance, (Amendment), 1921; the Licensing (Amendment) Ordinance, 1929; the Licensing (Amendment) Ordinance, 1939, and the Licensing (Amendment) Ordinance, 1942, are hereby repealed.

Passed by the Legislative Council this 20th day of December, 1944.

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

Assented to by the Governor and given under the Public Seal of the Colony this 23rd day of December, 1944.

KENNETH BRADLEY,
Colonial Secretary.



[L.S.]

FALKLAND ISLANDS.

Ordinance No. 5 of 1944.

I ASSENT,

A. W. CARDINALL,

Governor.

23rd December, 1944.

An Ordinance

To provide for the care and management of the Public Library and Museum in the Town of Stanley.

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

1. This Ordinance may be cited as the Public Library and Museum Ordinance, 1944. Short Title.

2. The Public Library and Museum shall be maintained out of such moneys as may be provided by the Legislative Council, and such other moneys as may be subscribed or received for the purpose. Maintenance.

3. (1) The Public Library and Museum shall be under the care and management of a committee of five persons to be appointed by the Governor. Appointment of Committee.

(2) Two members of the committee shall retire annually but shall be eligible for re-appointment. The retirements shall be in the order of their appointment as gazetted and shall include the Chairman.

(3) On the occurrence of a vacancy by the death, absence from the Colony, or resignation of any member the Governor may make an appointment to fill the vacancy.

(4) The Governor shall appoint a member of the committee to be Chairman.

4. (1) The committee may from time to time make, vary or revoke rules for the general care and management of the library Powers of Committee.

and museum and for the conditions under which books, papers, magazines, and other publications may be borrowed and taken out of the library.

(2) The rules may provide for a penalty not exceeding twenty shillings for any breach of them, and for the payment of compensation for any damage done to the library or to the museum or anything contained in them.

(3) Legal proceedings under this Ordinance shall be brought in the name of the Committee and all penalties imposed by the rules and compensation for any damage may be recovered summarily.

Fines &c. to be credited to Public Library and Museum funds.

5. Fines and sums received by reason of any proceedings under this Ordinance shall be credited to the Public Library and Museum and shall be applied to its uses.

Librarian.

6. (1) The Governor may appoint a library and museum Attendant who shall receive such salary as the Governor may prescribe.

(2) The Attendant shall act under the direction of the Committee and in accordance with the rules, and shall be responsible for and have immediate charge of the library and museum and everything contained therein.

Admission free.

7. (1) Admission to the Public Library and Museum shall be free of charge.

(2) Subject to the provisions of the rules, every one of the community may enjoy the use of the library and visit the museum.

Repeal of No. 4 of 1918.

8. The Library and Museum Ordinance, 1918, is hereby repealed.

Passed by the Legislative Council this 20th day of December, 1944.

L. W. ALDRIDGE,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 23rd day of December, 1944.

KENNETH BRADLEY,

Colonial Secretary.



[L.S.]

FALKLAND ISLANDS.

Ordinance No. 6 of 1944.

I ASSENT,

A. W. CARDINALL,

Governor.

23rd December, 1944.

An Ordinance

To enable the Governor in Council to make regulations with regard to the importation of plants with a view to the prevention of the introduction and spread of pests and diseases affecting vegetation and for purposes connected therewith.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Plant Disease Regulation Ordinance, 1944 and shall apply to the Falkland Islands and Dependencies. Short title and application.

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

“plant” includes everything in the nature of a plant, and the flowers, fruits, leaves, cuttings, bark, timber, and any part thereof whatsoever, whether living or dead, severed or attached, but does not include seed, unless specifically mentioned, nor manufactured products of plants, nor anything mentioned in this definition which has been cooked;

“pest” means any insect or other invertebrate animal which may be injurious to agricultural or horticultural crops;

“plant disease” means any disease caused by fungus, bacterium, virus, or other organism which may be injurious to agricultural or horticultural crops;

“container” means any box, basket, pot, package, barrel, parcel, case or other receptacle or covering;

“covering” means covering of a plant or of a container.

3. (1) The Governor in Council may make regulations for all or any of the following purposes — Power of Governor in Council to make regulations.

- (a) prohibiting, restricting, or regulating the importation into the Colony of plants, vegetables, seeds, soils, manure, containers, straw, or other packing material or any other similar goods or things;
- (b) prescribing or designating the authority which may prescribe the conditions on which any such goods or things referred to in the preceding paragraph, may be imported into the Colony, including conditions to become operative after importation;
- (c) prescribing the places at which any such goods or things may be imported into the Colony when not imported by post;
- (d) providing for the detention and examination of any such goods or things on their importation into the Colony;
- (e) providing for the destruction of any such goods or things which on importation are found to be infected with any plant disease or pest or for their treatment by the Department of Agriculture or otherwise, and for the similar treatment of any such goods or things, as a precautionary measure, whether found to be infected or not;
- (f) eradicating pests or plant diseases, preventing or controlling their attacks, or preventing their spread or distribution within the Colony;
- (g) prescribing the fees and charges to be paid in respect of any act or thing done under any regulation;
- (h) generally for giving effect to the objects of this Ordinance.

(2) Any regulation made under this section may be limited in its application to goods or things coming from particular countries and such countries may either be specified in the regulation or in a notice by the Governor relating to the regulation and published in the Gazette.

Prohibition on the introduction of pests etc.

4. No person shall introduce, or cause to be introduced, into the Colony any living pests in any stage of development, or living cultures of fungi or bacteria that are parasitic on plants, or dried specimens of plant diseases, without the written permission of the Governor previously obtained.

Penalties.

5. In addition to any fine or term of imprisonment which may be imposed for a contravention of any regulation made under this Ordinance the court may order that the goods or things in respect of which the offence has been committed be forfeited and disposed of as the court may direct.

Passed by the Legislative Council this 20th day of December, 1944.

L. W. ALDRIDGE,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 23rd day of December, 1944.

KENNETH BRADLEY,

Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 7 of 1944.

I ASSENT,

A. W. CARDINALL,

Governor.

23rd December, 1944.

An Ordinance

To amend the Live Stock Ordinance, 1901.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows:-

1. This Ordinance may be cited as the Live Stock (Amendment) Ordinance, 1944. Short Title.
2. Section 19 of the Live Stock Ordinance, 1901, is hereby repealed and the following section substituted - Repeal of Section 19 of No. 6 of 1901.
19. No person shall drive any sheep upon or across any station without - And when driving sheep.
 - (a) the drover having in his possession a way-bill stating the number, description and markings of the sheep, and signed by the owner or vendor of the sheep;
 - (b) giving notice to the manager of such station in writing not less than twenty-four hours and not more than three days before such driving, of the intention so to do;
 - (c) giving notice of the place whence and whither such sheep are being driven, and the point at which the person driving such sheep will enter such station:

Provided that the farmer may give a permit in writing waiving, either absolutely or upon such terms as are stated in the permit, his claim to receive from any other person any notice required to be given by this or the preceding section:

Proviso.

Proviso.

Provided also that any farmer or Inspector may examine and count such travelling sheep and check them with the way-bill which must be produced on request.

Passed by the Legislative Council this 20th day of December, 1944.

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

Assented to by the Governor and given under the Public Seal of the Colony this 23rd day of December, 1944.

KENNETH BRADLEY,
Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 8 of 1944.

I ASSENT,

A. W. CARDINALL,
Governor.

23rd December, 1944.

An Ordinance

To make better provision for Cinematograph Exhibitions.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows:-

1. This Ordinance may be cited as the Cinematograph Ordinance, 1944. Short Title.

2. An exhibition of pictures or other optical effects by means of a cinematograph, or other similar apparatus, for the purposes of which inflammable films are used, shall not be given unless the regulations made by the Governor in Council for securing safety are complied with, or, save as otherwise expressly provided by this Ordinance, elsewhere than in premises licensed for the purpose in accordance with the provisions of this Ordinance. Provision against cinematograph exhibition except in licensed premises.

3. (1) The Governor may grant licences to such persons as he thinks fit to use the premises specified in the licence for the purpose aforesaid on such terms and conditions and under such restrictions as, subject to regulations of the Governor in Council, the Governor may by the respective licences determine. Provisions as to licences.

(2) A licence shall be in force for one year or for such shorter period as the Governor on the grant of the licence may determine, unless the licence has been previously revoked as hereinafter provided.

(3) The Governor may transfer any licence granted by him to such other person as he thinks fit.

(4) An applicant for a licence or transfer of a licence shall give not less than seven days' notice in writing to the Governor and to the Chief Constable of his intention to apply for a licence or transfer:

Provided that it shall not be necessary to give any notice where the application is for the renewal of an existing licence held by the applicant for the same premises.

(5) There shall be paid in respect of the grant, renewal, or transfer of a licence such fees as the Governor may fix, not exceeding in the case of a grant or renewal for one year one pound, or in the case of a grant or renewal for any less period five shillings for every month for which it is granted or renewed, so however that the aggregate of the fees payable in any year shall not exceed one pound, or, in the case of transfer, five shillings.

Penalties.

4. If the owner of a cinematograph or other apparatus uses the apparatus, or allows it to be used, or if the occupier of any premises allows those premises to be used, in contravention of the provisions of this Ordinance or the regulations made thereunder, or of the conditions or restrictions upon or subject to which any licence relating to the premises has been granted under this Ordinance, he shall be liable on summary conviction, to a fine not exceeding twenty pounds, and in the case of a continuing offence to a further penalty of five pounds for each day during which the offence continues, and the licence (if any) shall be liable to be revoked by the Governor.

Power of entry.

5. A constable or any officer appointed for the purpose by the Governor may at all reasonable times enter any premises, whether licensed or not, in which he has reason to believe that such an exhibition as aforesaid is being or is about to be given, with a view to seeing whether the provisions of this Ordinance, or any regulations made thereunder, and the conditions of any licence granted under this Ordinance, have been complied with, and, if any person prevents or obstructs the entry of a constable or any officer appointed as aforesaid, he shall be liable, on summary conviction, to a penalty not exceeding twenty pounds.

6. This Ordinance shall not apply to an exhibition given in a private dwelling-house or premises to which the public are not admitted, whether on payment or otherwise.

Regulations.

7. (1) The Governor in Council shall make regulations for securing safety at any exhibition of pictures or other optical effects by means of a cinematograph, or other similar apparatus, for which inflammable films are used.

(2) The Governor in Council may, from time to time, make regulations, including regulations as to costs and fees, for carrying this Ordinance into effect.

Repeal of No. 4 of 1912.

8. The Cinematograph Ordinance, 1912 is hereby repealed.

Passed by the Legislative Council this 20th day of December, 1944.

L. W. ALDRIDGE,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 23rd day of December, 1944.

KENNETH BRADLEY,

Colonial Secretary.

FALKLAND ISLANDS :

Printed at the Government Printing Office by H. H. Sedgwick.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 9 of 1944.

I ASSENT,

A. W. CARDINALL,

Governor.

23rd December, 1944.

An Ordinance

To consolidate and extend the law relating to Tobacco.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows :—

1. This Ordinance may be cited as the Tobacco Ordinance, 1944. Short title.

2. In this ordinance, unless the context otherwise requires:— Definitions.

“Tobacco” includes cigarettes, cigars, cigarillos, smoking-mixtures and snuff.

“Cigarette” includes cut tobacco rolled up in paper, tobacco leaf, or other material in such form as to be capable of immediate use for smoking.

3. It shall not be lawful for any person to sell tobacco unless such person shall have obtained a licence from the Officer-in-charge of the Treasury authorising him to do so.

No person to sell tobacco without licence.

4. It shall be lawful for the Officer-in-charge of the Treasury to grant licences for the sale of tobacco in the town of Stanley, or anywhere within fifteen miles thereof, by sea or land, on payment to him of the sum of two pounds for every such licence. Any person not being licensed as aforesaid, who shall directly or indirectly sell, within the limits aforesaid, any tobacco shall be liable for every such offence to a penalty not exceeding ten pounds.

Officer-in-charge Treasury may grant licences.

Penalty for selling without licence.

5. It shall be lawful for the Officer-in-charge of the Treasury to grant licences for the sale of tobacco in any part of the Colony outside the limits hereinbefore defined on payment to him of the sum of one pound, and any person not so licensed who shall directly or indirectly sell any tobacco shall be liable for every such offence to a penalty not exceeding ten pounds.

Officer-in-charge Treasury may grant licences outside the limits of Stanley.

Penalty for selling without licence.

Licences to be in force for twelve months only.

6. Every licence granted under the provisions of Sections 4 and 5 of this Ordinance shall be in force for twelve months from the date thereof.

Occasional licence.

7. The Officer-in-charge of the Treasury may, at his discretion, grant to any person an "occasional licence" for the sale of tobacco at such place, in such quantities, and for such period of time, not exceeding three consecutive days, as may be specified in the licence and there shall be paid a fee of two shillings and sixpence a day in respect of such licence.

Penalty for selling tobacco to children and young persons.

8. If any person sells to a person apparently under the age of sixteen years any cigarettes or cigarette papers (whether for his own use or not) or tobacco he shall be liable, on summary conviction, in the case of a first offence to a fine not exceeding two pounds, and in the case of a second offence to a fine not exceeding five pounds, and in the case of a third or subsequent offence to a fine not exceeding ten pounds.

Forfeiture of tobacco.

9. It shall be the duty of a constable to seize any cigarettes or cigarette papers in the possession of any person apparently under the age of sixteen whom he finds smoking in any street or public place, and any cigarettes or cigarette papers so seized shall be disposed of in such manner as the Chief Constable may direct, and every constable is hereby authorised to search any boy found smoking, but not a girl. Any such girl may, however, be conducted to and searched by the Gaol Matron.

Search.

Provisions as to automatic machines for the sale of tobacco.

10. (1) If on complaint to a court of summary jurisdiction it is proved to the satisfaction of the court that any automatic machine for the sale of cigarettes kept on any premises is being extensively used by children or young persons, the court may order the owner of the machine or the person on whose premises the machine is kept to take such precautions to prevent the machine being so used as may be specified in the order, or, if necessary, to remove the machine, within such time as may be specified in the order: Provided that any person aggrieved by such an order may appeal against it to the Judge in Chambers.

(2) If any person against whom any such order has been made fails to comply with the order, he shall be liable on summary conviction to a fine not exceeding five pounds, and to a further fine not exceeding one pound for each day during which the offence continues.

Repeal of No. 10 of 1889 No. 16 of 1939.

11. The Tobacco Licence Ordinance, 1889, and the Juvenile Smoking (Prohibition) Ordinance, 1939, are hereby repealed.

Passed by the Legislative Council this 20th day of December, 1944.

L. W. ALDRIDGE,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 23rd day of December, 1944.

KENNETH BRADLEY,

Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 10 of 1944.

I ASSENT,

A. W. CARDINALL,

Governor.

23rd December, 1944.

An Ordinance

To facilitate the preparation of a Revised Edition of the Laws.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:-

1. This Ordinance may be cited as the Revised Edition of the Laws (Statute Law Revision) Ordinance, 1944. Short title.

2. For the purpose of facilitating the revised edition of laws, the amendments specified in the fourth column of the Schedule to this Ordinance, being amendments designed to shorten or simplify phraseology or being amendments of a minor nature, shall be made in the enactments specified in the first, second and third columns of that Schedule.

SCHEDULE.

Number and year of Ordinance.	Short Title.	Section.	Amendments.
4 of 1894.	The Lunacy Ordinance, 1894.	Section 20.	In the interpretation of "Medical Practitioner" for the words "Medical Act, 1858, the Acts amending the same and the Medical Act, 1886, of the Imperial Parliament", there shall be substituted the words "Medical Practitioners, Midwives, and Dentists Ordinance, 1914".
4 of 1901.	The Administration of Justice Ordinance, 1901.	Section 22.	For the word "fifty" there shall be substituted the words "one hundred".
		Section 24.	For the words "Every other case, whether civil or criminal, shall be tried by a jury of seven men" there shall be substituted the words "Every other criminal case shall be tried by a jury of seven men and every civil case, if tried by a jury, shall be tried by a jury of seven men".
5 of 1902.	The Summary Jurisdiction. Ordinance, 1902.	Section 49.	The words "motor car" and "motor cycle" in subsections (n), (o) and (p) shall be deleted.
9 of 1908.	The Dependencies Ordinance, 1908.	Section 1.	The words after "shall" in the fourth line shall be deleted and the following words substituted - "be deemed to include and to have included all islands and territories whatsoever between the 20th degree of West longitude and the 50th degree of West longitude which are situated south of the 50th parallel of South latitude; and all islands and territories whatsoever between the 50th degree of West longitude and the 80th degree of West longitude which are situated south of the 58th parallel of South latitude".
4 of 1914.	The Stanley Cemetery, Ordinance, 1914.	Section 2.	After the words "Burial Board." at the end of the definition of "Burial Board" the full stop shall be omitted and the following words added - "and includes the Trustees of the Stanley Cemetery as a Body Corporate".
		Section 7.	The words "The Sexton of Christ Church Cathedral shall act as Clerk to the Board when required, and perform such other duties as the Board may consider necessary" shall be deleted.

Passed by the Legislative Council this 20th day of December, 1944.

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

Assented to by the Governor and given under the Public Seal of the Colony this 23rd day of December, 1944.

KENNETH BRADLEY,
Colonial Secretary.



[L.S.]

FALKLAND ISLANDS.

Ordinance No. 11 of 1944.

I ASSENT,

A. W. CARDINALL,
Governor.

23rd December, 1944.

An Ordinance To amend the Probate and Unrepresented Estates Ordinance, 1901.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Probate and Unrepresented Estates (Amendment) Ordinance, 1944, and shall be read and construed with the Probate and Unrepresented Estates Ordinance, 1901, hereinafter referred to as the Principal Ordinance.

Short title.

2. There shall be added to Section 22 of the Principal Ordinance the following proviso.

Addition to Section 22.

Provided that the Governor-in-Council may, if he thinks fit, remit the whole or any part of the duty leviable on the estate of—

- any person who dies from wounds inflicted, accident occurring, or disease contracted, within three years before death, while on active service and was, when the wounds were inflicted, the accident occurred or the disease was contracted, subject to any naval, military or air force law, or
- any person who dies from injuries received, or disease contracted, within three years of his death, and which were, in the opinion of the Governor-in-Council, caused by the operations of war.

This proviso shall only apply in respect of deaths occurring on or after the 3rd day of September, 1939.

Passed by the Legislative Council this 20th day of December, 1944.

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

Assented to by the Governor and given under the Public Seal of the Colony this 23rd day of December, 1944.

KENNETH BRADLEY,
Colonial Secretary.



[L.S.]

FALKLAND ISLANDS.

Ordinance No. 12 of 1944.

I ASSENT,

A. W. CARDINALL,
Governor.

23rd December, 1944.

An Ordinance

To legalise certain payments made in the year One thousand Nine hundred and Forty-three in excess of the Expenditure sanctioned by Ordinance No. 11 of 1942.

WHEREAS it is expedient to make further provision for the service of the Colony for the year 1943. Preamble.

BE IT THEREFORE ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:— Enacting Clause.

1. This Ordinance may be cited for all purposes as the Supplementary Appropriation (1943) Ordinance, 1944. Short Title.

2. The sums of money set forth in the Schedule hereto having been expended for the services therein mentioned beyond the amounts granted for those services by the Ordinance providing for the service of the year One Thousand nine hundred and forty-three, the same are hereby declared to have been duly laid out and expended for the service of the Colony in that year, and are hereby approved, allowed and granted in addition to the sums mentioned for those services in the said Ordinance. Appropriation of excess expenditure for the year 1943.

Passed by the Legislative Council this 20th day of December, 1944.

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

Assented to by the Governor and given under the Public Seal of the Colony this 23rd day of December, 1944.

KENNETH BRADLEY,
Colonial Secretary.

SCHEDULE.

Number.	Head of Service.	Amount.		
		£	s.	d.
FALKLAND ISLANDS.				
I.	Pensions	82	13	5
III.	Colonial Secretary	140	12	10
V.	Audit	1	10	0
VII.	Electrical & Telegraphs	2729	10	5
VIII.	Harbour	163	10	11
IX.	Legal	76	2	9
X.	Police & Prisons		9	11
XVI.	Agriculture	445	17	3
XVII.	Miscellaneous	499	18	7
XIX.	Public Works Recurrent	3996	11	11
XXI.	Military War Expenditure	998	9	2
Total Ordinary Expenditure		£ 9135	7	2



[L.S.]

FALKLAND ISLANDS.

Ordinance No. 13 of 1944.

I ASSENT,

A. W. CARDINALL,

Governor.

23rd December, 1944.

An Ordinance

To provide for the service of the year 1945.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows :—

Enacting Clause.

1. This Ordinance may be cited for all purposes as the Appropriation (1945) Ordinance, 1944.

Short Title.

2. The Governor may cause to be issued out of the Public Revenue and other funds of the Colony and applied to the service of the year ending the 31st December, 1945, a sum not exceeding One hundred and Thirteen thousand Five hundred and Thirty-eight pounds, which sum is granted and shall be appropriated for the purposes and to defray the charges of the several services expressed and particularly mentioned in the Schedule hereto which will come in course of payment during the year 1945.

Appropriation of £113,538 for service of year 1945.

Passed by the Legislative Council this 20th day of December, 1944.

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

Assented to by the Governor and given under the Public Seal of the Colony this 23rd day of December, 1944.

KENNETH BRADLEY,
Colonial Secretary.

SCHEDULE.

Number.	Head of Service.	Amount.		
		£	s.	d.
FALKLAND ISLANDS.				
I.	Pensions	3600	0	0
II.	The Governor	2652	0	0
III.	Colonial Secretary	2992	0	0
IV.	Treasury and Customs	1984	0	0
V.	Audit	7	0	0
VI.	Post Office	6022	0	0
VII.	Electrical and Telegraphs	6587	0	0
VIII.	Harbour	1020	0	0
IX.	Legal	817	0	0
X.	Police and Prisons	1289	0	0
XI.	Medical	8515	0	0
XII.	Education	7161	0	0
XIII.	Ecclesiastical	289	0	0
XIV.	Naturalist	365	0	0
XV.	Military	768	0	0
XVI.	Agriculture	9003	0	0
XVII.	Miscellaneous	7865	0	0
XVIII.	Public Works	4364	0	0
XIX.	Public Works Recurrent	9265	0	0
Total Ordinary Expenditure		£ 74565	0	0
XX.	Public Works Extraordinary	3000	0	0
XXI.	War Expenditure	19900	0	0
XXII.	Land Sales Fund	107	0	0
Total Expenditure chargeable to Revenue		£ 97572	0	0
DEPENDENCIES.				
I.	Ordinary Expenditure	15741	0	0
II.	Extraordinary Expenditure	150	0	0
III.	War Expenditure	75	0	0
Total ...		£ 113538	0	0

PART II.

PROCLAMATIONS, REGULATIONS, Etc.

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FALKLAND ISLANDS.

No. 1.

Proclamation

1944.

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

A. W. CARDINAL L.

By His Excellency SIR ALLAN WOLSEY CARDINAL, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.

[L.S.]

WHEREAS by section 44 of the Live Stock Ordinance, 1901 it is provided that the Governor in Council may from time to time by proclamation, prohibit the importation of sheep, cattle or other animals from any places that may be named in such proclamation, for such period as he may deem necessary for the purpose of preventing the introduction of any infectious disease,

AND WHEREAS information has been received that Foot and Mouth disease is now present in South America,

NOW THEREFORE, by virtue of these powers vested in the Governor in Council be it ordered and proclaimed as follows, to wit;

The importation into the Falkland Islands from South America of cattle, sheep or swine is prohibited for a period of sixteen calendar months from this date.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 26th day of June, in the Year of Our Lord One thousand Nine hundred and Forty-four.

By His Excellency's Command,

KENNETH BRADLEY,

Colonial Secretary.

M.P. 95/44.

Explanatory Note. The following is the text of a telegram received from the Senior Veterinary Inspector of the British Ministry of Agriculture who is at present in South America :—

"Owing to danger of introducing foot and mouth disease importation of cattle, sheep or swine from South American countries is not advisable. Horses may be accepted if certified by proper authorities to be free from contagious diseases at time of export. All fodder baled or otherwise should be excluded from landing".

2. The importation of hay and straw is already prohibited, except with special permission of His Excellency, by Section 7 of the Live Stock Regulations (Consolidation) 1923.

3. It is not considered necessary at present to prohibit the importation of bagged pollard, maize, oats and wheat.

FALKLAND ISLANDS.

No. 2.

Proclamation

1944.

Importation of Essential and Non-Essential Goods.

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

A. W. CARDINALL.

[L.S.]

By His Excellency SIR ALLAN WOLSEY CARDINALL, *Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.*

In exercise of the powers in me vested by Section 2 of the Exports and Imports (Emergency Powers) Ordinance, 1939, I, SIR ALLAN WOLSEY CARDINALL, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, do hereby order and proclaim that—

Proclamation, No. 6 dated the 19th of June, 1941, and Proclamation, No. 2 dated the 4th of December, 1943, be cancelled.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 17th day of August, in the Year of Our Lord One thousand Nine hundred and Forty-four.

By His Excellency's Command,

KENNETH BRADLEY,

Colonial Secretary.

FALKLAND ISLANDS.

No. 3.

Proclamation

1944.

Prohibition of importation of certain livestock from South America.

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

A. W. CARDINALL.

[L.S.]

By His Excellency SIR ALLAN WOLSEY CARDINALL, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.

WHEREAS by section 44 of the Live Stock Ordinance, 1901, it is provided that the Governor in Council may from time to time by proclamation, prohibit the importation of sheep, cattle or other animals from any places that may be named in such proclamation, for such period as he may deem necessary for the purpose of preventing the introduction of any infectious disease,

AND WHEREAS information having been received that Foot and Mouth disease was present in South America, a prohibition on the importation of Stock from South America was proclaimed,

AND WHEREAS further information has now been received that the Southern Territories of Argentine and Chile are reported free from Foot and Mouth disease,

NOW THEREFORE, by virtue of these powers vested in the Governor in Council be it ordered and proclaimed as follows, to wit;

The Proclamation of the twenty-sixth day of June in the year of Our Lord One thousand Nine hundred and Forty-four is hereby repealed;

The importation into the Falkland Islands of Sheep, Cattle, or Swine from those parts of South America that lie to the north of the Northern boundaries of the Chilian Province of Magallanes and the Argentine Province of Santa Cruz, and of any of these animals that were born, bred, depastured or transported within this area, is prohibited.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 4th day of November, in the Year of Our Lord One thousand Nine hundred and Forty-four.

By His Excellency's Command,

KENNETH BRADLEY,

Colonial Secretary.

FALKLAND ISLANDS.

The Harbour Ordinance, 1902.

Regulations made by the Governor in Council under the Harbour Ordinance, 1902.

No. 1 of 1944.

A. W. CARDINALL,
Governor.

In pursuance of the powers vested in him by Section 2 of the Harbour Ordinance 1902, and otherwise, His Excellency the Governor is pleased to order, with the advice and consent of the Executive Council, and it is hereby ordered as follows :—

1. These Regulations may be cited as the Harbour (Consolidation) Regulations 1944. Short Title.
2. No vessel, hulk or boat shall be moored or be anchored in or be moored or anchored so as to swing within any part of the Northern half of Stanley Harbour nor in that area of the said Harbour bounded on the East by a line running North from the West side of Hebe Street and on the West by a line running North through the centre of the Cathedral Tower, except with the written approval of the Harbour Master. Prohibited Area for mooring and anchoring.
3. No ship or hulk shall be moved in the Harbour save under the direction, or with the permission, in writing, of the Harbour Master, and a fee of £1 (one pound) shall be paid for every such permission, unless such removal has been ordered by the Harbour Master. Any hulk having fixed moorings may return thereto without additional fee. Movement in the Harbour.
4. In every case where it may be necessary to change the position of a vessel or hulk for the purpose of receiving or discharging cargo, or for any other purpose, such vessel or hulk must be moved under the direction of the Harbour Master. Discharging cargo into hulks.
5. Vessels at anchor outside the limits assigned to hulks shall exhibit, from sunset to sunrise, the following light or lights :—

A vessel under one hundred and fifty feet in length, when at anchor, shall carry forward, where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light, in a lantern so constructed as to show a clear, uniform and unbroken light, visible all round the horizon at a distance of, at least, one mile.

A vessel of one hundred and fifty feet or upwards in length, when at anchor, shall carry in the forward part of the vessel, at a height of not less than twenty feet and not exceeding forty feet above the hull, a white light in a lantern so constructed as to show a clear, uniform and unbroken light visible all round the horizon at a distance of, at least, one mile, and at or near the stern of the vessel, and at such a height that it shall not be less than fifteen feet lower than the forward light, another similar light.

Lights on vessels at anchor.
6. All vessels shall when under weigh in the hours of darkness in the Harbour carry in the fore part of the vessel, and at a height of not less than nine feet above the gunwhale Lighters or vessels under weigh.
 - (a) a bright white light of such a character as to be visible at a distance of not less than two miles, and
 - (b) green and red sidelights of such a character as to be visible at a distance of not less than one mile, or a combined lantern shewing a green light and a red light from right ahead to two points abaft the beam on their respective sides.

Provided that

Small vessels, without masts, may carry the white light at a height of less than nine feet above the gunwale, but it shall be carried above the combined lantern mentioned in (b) above.

Lights on rowing boats.

7. Rowing boats, whether under oars or sail, shall have ready at hand a lantern showing a white light which shall be temporarily exhibited in sufficient time to prevent collision.

Collection of timber.

8. No person shall collect, remove or cause to be removed any timber or wood, for any purpose whatsoever, from the foreshores of the Harbour without the written permission of the Harbour Master.

Removal of sand &c.

9. Permission in writing shall be obtained from the Harbour Master for the removal of any sand, stone or gravel from the foreshores of the Harbour.

Fee for sand &c.

10. For every ton of sand, stone or gravel taken or removed, by permission of the Harbour Master, from the Harbour of Stanley or from the beach thereof, there shall be paid, to the Harbour Master, the sum of One Shilling.

Fresh water supply.

11. The Masters of vessels who may require water shall apply to the Harbour Master. Water will be supplied on payment of Two Shillings and Sixpence per ton of two hundred and twenty gallons, delivered at the end of a Government Jetty.

Disposal of rubbish &c.

12. No ballast, dunnage, ashes or rubbish of any description whatever shall be thrown into the water of the Harbour.

Lighter for rubbish &c.

13. Masters of vessels who may require a lighter for the disposal of ashes, dunnage, rubbish &c. shall apply to the Harbour Master, who will cause a lighter to be placed alongside the vessel for that purpose.

Discharging of ballast.

14. Masters of vessels who may wish to discharge ballast shall communicate with the Harbour Master who will direct the disposal of same.

Beaching craft.

15. Masters of vessels who may desire to haul up on the beaches of the Harbour any boat or craft shall apply to the Harbour Master who will direct where such boat or craft shall be placed.

Materials left on jetty.

16. No sand, shingle, gravel or tussac shall be allowed to remain upon any Government Jetty or landing-place within two yards from the edge of such jetty or landing-place.

Employing of local labour.

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

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

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

Firing or throwing stones at birds &c. in the Harbour.

18. No person shall discharge any fire-arm at, or throw any stone or other missile at, any seabird or wild animal within the limits of the Harbour, provided that nothing in this section shall serve to

prohibit birds or animals from being killed for the protection of property, or obtained by, or with the authority of the Government Naturalist for Scientific purposes.

19. The Scale of Charges and Rules for the use of the Government Slipway shall be as shewn in the Second Schedule hereto. Scale of Charges.

20. Any person who is guilty of any breach of any Regulation made under the provisions of section 2 of the Harbour Ordinance, 1902, shall, on conviction, be liable to a penalty not exceeding five pounds or to imprisonment for a term not exceeding one month if no other penalty be provided for such an offence by any provision of the said Ordinance. Penalty for any breach of any Regulation.

21. The Regulations made on the following dates are hereby revoked :- Regulations revoked.

9th September, 1921; 27th July, 1922; 22nd June, 1928; 24th April, 1929; 24th December, 1935; 8th February, 1936; 13th November, 1937; 10th March, 1938.

Made by the Governor in Executive Council at a meeting held on the 26th day of June, 1944.

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

M.P. 318/35.

Schedule I.

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

Double time will be paid for work performed after midnight provided such work is commenced before midnight and is continuous.

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

Schedule II.

The following Scale of Charges and Rules for the use of the Government Slipway in the Dockyard, Stanley, have been approved by His Excellency the Governor :

SCALE OF CHARGES.

For boats under 10 tons.				For other craft.			
Per day	...	...	5/-	Per day	...	...	£1.
Per week	...	...	£1.	Per week	...	...	£3.
Per month	...	...	£2.	Per month	...	...	£5.

(The days on which the slipway is occupied and vacated shall be reckoned as full days.)

RULES.

1. Applications for the use of the slipway shall be made to the Harbour Master.
2. The slipway shall be allotted at and for such times as are convenient to the Harbour Department and, as far as possible, according to the order in which applications are received.
3. Work on craft, including slipping and launching, shall be carried out between the hours of 7.30 a.m. and 4.30 p.m. on weekdays, and between the hours of 7.30 a.m. and noon on Saturdays. Work beyond these hours may be allowed at the discretion of the Harbour Master. An additional charge of 5/- an hour, or part of an hour, will be made for slipping or launching outside the usual working hours.
4. Three clear hours notice must be given of intended launching.
5. The Government will not hold itself responsible for loss or damage to craft, or for injury to persons using the slipway.

The Scale of Charges and Rules for the use of the Slipway, published in a notice dated 22nd of November, 1932, are hereby cancelled.

FALKLAND ISLANDS.

The Fisheries Regulations, 1944.

Regulations made by the Governor in Council to protect trout or other members of the salmon family under the Fisheries Ordinance, 1944.

No. 2 of 1944.

A. W. CARDINALL,
Governor.

In exercise of the powers vested in him by the Fisheries Ordinance, 1944, and otherwise, and with the advice and consent of the Executive Council, His Excellency the Governor is pleased to make the following regulations :-

1. These Regulations may be cited as the Fisheries Regulations, 1944. Short Title.
 2. In these regulations "fish" means any member of the salmon family, commonly known as salmon, trout, sea trout or char, but does not include any member of the family *Aplochitonidae*, commonly known as "trout" in the Falkland Islands, or any member of the family *Galaxiidae*, commonly known as "minnows" in the Falkland Islands. Definition.
 3. The following acts are prohibited :- General Protection of introduced fish.
 - (a) fishing for any fish; or
 - (b) wilfully disturbing any spawn or spawning fish; or
 - (c) wilfully disturbing any bed, bank, or shallow in or on which any spawn or spawning fish may be.
- Provided that any act specified in this section may be performed without penalty by any person authorised by the Governor for the purpose of scientific research on the development or extension or increase of the stock of fish.
4. Fishing by any means above the bridge at the Wireless Station in the stream known as the Moody Brook and all or any of its tributaries is prohibited. Moody Brook Reserve.

Made by the Governor in Executive Council at a meeting held on the 30th day of December 1944.

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

M.P. 153/44.

Explanatory Note. The purpose of the above regulation is two-fold :

- (1) To give complete protection to the Brook and Rainbow Trout until they are firmly established in local waters.
- (2) To ensure that no fishing takes place in Moody Valley where the Hatchery is situated and where young Trout might be taken by mistake.

FALKLAND ISLANDS.

Order by the Governor concerning offences by seamen.

No. 1 of 1944.

A. W. CARDINALL,
Governor.

Under the authority of the Emergency Powers (Defence) Act of the United Kingdom, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows :—

1. After Regulation 33AC of the Defence Regulations, 1939, there shall be inserted the following Regulation :—

33AD. (1) No person lawfully engaged to serve on board any ship to which this Regulation applies shall —

- (a) join his ship, or be whilst on board his ship, in a state of drunkenness so that the performance of his duties or the navigation of the ship is thereby impeded ;
- (b) continuedly and wilfully disobey lawful commands or continuedly and wilfully neglect his duty ;
- (c) assault the master or any mate or certificated engineer of his ship; or
- (d) wilfully damage his ship or embezzle or wilfully damage any of her stores or cargo.

Nothing in this paragraph shall be taken to prejudice the provisions of section two hundred and twenty-five of the Merchant Shipping Act, 1894, relating to forfeiture of wages for wilful damage to a ship or embezzlement of, or wilful damage to any of her stores or cargo.

(2) The ships to which this Regulation applies are —

- (a) every ship belonging to His Majesty and every ship, whether British or foreign, chartered or requisitioned by or on behalf of His Majesty ; and
- (b) every ship in respect of which there is for the time being in force a licence granted in pursuance of an order made under Regulation thirty-four of these Regulations.

(3) In any proceedings for an offence against this Regulation, a certificate of the competent authority that at a particular time a ship was one to which this Regulation applies shall be evidence of that fact.

Dated this 6th day of March, 1944.

By Command,

KENNETH BRADLEY,
Colonial Secretary.

M.P. S/7/39.

FALKLAND ISLANDS.

Order by His Excellency the Governor amending the Defence Regulations, 1939.

No. 2 of 1944.

A. W. CARDINALL,
Governor.

Under the authority of the Emergency Powers (Defence) Act of the United Kingdom, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows :-

1. Regulation 17A of the Defence Regulations, 1939, is amended by the addition thereto of the following paragraph :-

Identification of
Aliens in custody.

1A. Where an Alien is in custody, any person authorised by the Governor may take all such steps as may be reasonably necessary for photographing, measuring, obtaining the finger prints of and otherwise identifying the alien in such manner as may be prescribed by the Governor.

Dated this 30th day of May, 1944.

By Command,

KENNETH BRADLEY,
Colonial Secretary.

M.P. S/17/42.

FALKLAND ISLANDS.

Falkland Islands Defence Regulations.

Order declaring certain area in the Colony to be a protected area.

No. 3 of 1944.

A. W. CARDINALL,
Governor.

In exercise of the powers in him vested by Regulation, No. 28 of the Falkland Islands Defence Regulations, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows :

1. That the area specified in the subjoined Schedule is a protected area, and the entry of all persons into that area except such persons as may from time to time be given permission in writing by the Naval Officer-in-Charge, the Officer Commanding Troops or person duly authorised by him, is strictly forbidden.

Dated this 31st day of July, 1944.

By Command,
KENNETH BRADLEY,
Colonial Secretary.

M.P. S/16/40.

Schedule omitted for security reasons.

FALKLAND ISLANDS.

Order by His Excellency the Governor in Council.

A. W. CARDINALL,
Governor.

No. 4 of 1944.

In exercise of the powers vested in him by the Post Office Ordinance, 1898, and with the advice of the Executive Council, His Excellency the Governor is pleased to order, and it is hereby ordered that :—

1. This Order may be cited as the Post Office (Air Mail Fees), Order, 1944.
2. On and after the 18th August, 1944, postal matter for onward transmission by air from Montevideo to any destination for which airmail services may from time to time be available shall be accepted at Stanley and Fox Bay post offices, where airmail labels shall be available.
3. The fees for airmail matter shall be, to the nearest 1d., the sterling equivalent at the current rate of exchange of those from time to time in force from Montevideo, in addition to the normal rates of postage as provided for in the Post Office (Rates of Postage and Fees) Order, 1940.

Made by the Governor in Executive Council on the 16th day of August, 1944.

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

Explanatory Note : The Uruguayan Airmail Fees referred to above vary according to destination and details may be obtained on application to a Post Office. The Uruguayan fees are, in all cases based on a 5 gramme unit of weight, the British equivalent of which is 77.16 grains avoirdupois or slightly less than $\frac{1}{5}$ of an ounce.

M.P. 53/41.

FALKLAND ISLANDS.

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

A. W. CARDINALL,
Governor.

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

Short Title.

1. These Rules may be cited as the Falkland Islands Currency Notes (Amendment) Rules, 1944.

2. Rule 15 (1) of the Falkland Islands Currency Notes Rules, 1939, is hereby revoked and the following Rule substituted:—

Register of
Currency Note
Issues.

15. (1) In the Register of Currency Note Issues there shall be recorded in respect of each prefix number of a series the total number of the currency notes issued or re-issued by the Currency Board, the total number of notes withdrawn from circulation by the Currency Board and selected for re-issue, and the total number of notes cancelled or destroyed by the Currency Board, together with the date of issue, re-issue, withdrawal from circulation, cancellation or destruction, and the balance of currency notes in circulation.

Stanley, Falkland Islands.
28th March, 1944.

M.P. 65/35.

FALKLAND ISLANDS.

The Dogs Ordinance, 1944.

Rules made by the Governor under Section 14.

A. W. CARDINALL.
Governor.

In exercise of the powers vested in him by the Dogs Ordinance, 1944, and with the advice and consent of the Executive Council, His Excellency the Governor is pleased to make the following rules :-

1. These rules may be cited as the Dogs Rules, 1944. Short Title.
 2. A separate licence shall be issued in respect of each dog for which a licence fee is paid save that, in the case of a pack of hounds, upon the payment of the proper fees for every hound for which a licence is required to be taken out, the Chief Constable may, if he sees fit, issue a single licence to the owner or master of the pack to cover all hounds so licenced. Separate licence for each dog except in case of hounds.
 3. The following fees shall be payable in respect of the several matters to which they relate :- Fees payable.
- | | £ | s. | d. |
|--|---|----|-------|
| Annual licence for each dog | | 8 | 0 |
| " " " each bitch | | 12 | 0 |
| Transfer of licence | | 1 | 0 |
| Inspection of register by a
member of the public | | 1 | 0 |
| Inspection of register by a
justice or constable | | | Free. |

Made by the Governor in Executive Council at a meeting held on the 30th day of December, 1944.

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



ORDINANCES

of the

COLONY

of the

FALKLAND ISLANDS

enacted during the year

1946

together with the

Rules, Regulations, etc., etc.,

made during that year.

PART I.

ORDINANCES.

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

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

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.. .. 4	The Supplementary Appropriation (1945) Ordinance, 1946.
.. .. 5	The Tariff (Amendment) Ordinance, 1946.
.. .. 6	The Appropriation (1947) Ordinance, 1946.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 1 of 1946.

I ASSENT,

G. M. CLIFFORD.

Governor.

24th December, 1946.

An Ordinance

To amend the Licensing Ordinance, 1944.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows :— Enacting Clause.

1. This Ordinance may be cited as the Licensing (Amendment) Ordinance, 1946, and shall be read and construed as one with the Licensing Ordinance, 1944, hereinafter referred to as the Principal Ordinance. Short Title.

2. Section 35 (a) of the Principal Ordinance is hereby amended by the deletion of the words "one year of" in the third line, and the substitution therefor of the words "the period stated in". Section 35 (a) of Principal Ordinance amended.

Passed by the Legislative Council this 23rd day of December, 1946.

L. W. ALDRIDGE,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 24th day of December, 1946.

A. B. MATHEWS,

Colonial Secretary.

[L.S.]



FAULKLAND ISLANDS.

Ordinance No. 2 of 1946.

I ASSENT,

G. M. CLIFFORD,

Governor.

24th December, 1946.

An Ordinance To amend the Pensions Ordinance, 1937.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows:—

Enacting Clause.

1. This Ordinance may be cited as the Pensions (Amendment) Ordinance, 1946, and shall be read and construed as one with the Pensions Ordinance, 1937, hereinafter referred to as the Principal Ordinance.

Short Title.

2. Section 3 of the Principal Ordinance is hereby amended by the insertion of the following sub-section and proviso:—

Amendment of
Section 3 of Ordinance No. 5 1937.

“(3) Whenever the Governor-in-Council is satisfied that it is equitable that any regulation made under this section should have retrospective effect in order to confer a benefit upon or remove a disability attaching to any person, that regulation may be given retrospective effect for that purpose:

“Provided that no such regulation shall have retrospective effect unless it has received the prior approval of the Legislative Council signified by resolution”.

Passed by the Legislative Council this 23rd day of December, 1946.

L. W. ALDRIDGE,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 24th day of December, 1946.

A. B. MATHEWS,

Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 3 of 1946.

I ASSENT,

G. M. CLIFFORD,

Governor.

24th December, 1946.

An Ordinance

To amend the Customs Ordinance, 1943.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

Enacting Clause.

1. This Ordinance, which shall be read and construed as one with the Customs Ordinance, 1943, may be cited as the Customs (Amendment) Ordinance, 1946, and shall come into force in the Colony and its Dependencies on a date to be specified by the Governor by Proclamation in the Gazette.

Short Title and operation.

2. The definition of "Proof" in section 2 of the Customs Ordinance, 1943, shall be amended to read "Proof Spirit means such spirit as, at the temperature of 51 degrees Fahrenheit shall weigh 12/13ths of the weight of an equal measure of distilled water;"

Amendment of Section 2 of the Customs Ordinance, 1943.

3. The first sentence of Section 5 of the Customs Ordinance, 1943, shall be amended to read "It shall be lawful for the Legislature from time to time by resolution to impose import or export duties . . . etc."

Amendment of Section 5 of the Customs Ordinance, 1943.

Insertion of new sections.

Governor in Executive Council may make interim order.

Interim order to be confirmed, amended or revoked by Legislative Council.

Excess duty to be refunded when order expires.

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Amendment of Section 11, subsection (a), of the Customs Ordinance 1943.

Amendment of Section 34 of the Customs Ordinance, 1943.

Amendment of Section 68 of the Customs Ordinance, 1943.

Deletion of Section 70 of the Customs Ordinance, 1943.

Amendment of Section 94 of the Customs Ordinance, 1943.

Amendment of Section 104 of the Customs Ordinance, 1943.

4. The following sections shall be added to the Customs Ordinance, 1943 :-

"5A. Notwithstanding anything contained in the preceding section, the Governor in Executive Council may by order (a) increase or reduce any import or export duty of customs, or (b) impose new import or export duties of customs, and from the date of publication of such order in the Gazette and until the expiry of such order, the duties specified in such order shall be payable in lieu of any duties payable prior thereto. Provided that where any duty is reduced by any such order the person by whom any goods liable to the reduced duty are entered shall pay the reduced duty and in addition shall deposit with the proper Officer the difference between the duty payable prior to the date of the order and the duty payable under the order until the order expires as hereinafter provided."

5B. Every order issued by the Governor in Executive Council under Section 5A shall after four days and within twenty-one days from the date of its first publication be submitted to the Legislature, and the Legislature may by resolution confirm, amend or revoke such order, and upon publication of the resolution of the Legislature in the Gazette the resolution shall have effect and the order shall then expire. If the order be not submitted within the said period of twenty-one days to the Legislature for confirmation it shall *ipso facto* expire."

5C. So much of the duties as shall have been paid under the order of the Governor in Executive Council as may be in excess of the duties payable immediately after the expiry of such order shall be repaid to the persons who paid the same."

"5D. So much of any sums which have been deposited in accordance with the proviso to Section 5A as, together with the duty paid, shall be equal to the duties payable after the expiry of the order, shall be brought to account by the Collector as duties of customs, and the balance, if any, shall be refunded to the depositor."

5. The following words shall be added after the words "process abroad" in the second line of Section 11, subsection (a) :-
"or having been so subjected (but without change of their form or character) are goods not liable at the time of their reimportation to duty *ad valorem*".

6. The word "renovation" in Section 34 of the Customs Ordinance, 1943, shall be deleted, and the word "revocation" inserted in its place.

7. The words "upon being admitted to entry inwards" in lines 3 and 4 of Section 68 of the Customs Ordinance, 1943, shall be deleted, and the words "at the time of making report" shall be inserted in their place.

8. Section 70 of the Customs Ordinance, 1943, shall be deleted.

9. The word "warehouse" in line 2 of Section 94 of the Customs Ordinance, 1943, shall be deleted, and the words "transit shed" inserted in its place.

10. The words "to stow" shall be inserted after the word "neglect" in line 2 of Section 104 of the Customs Ordinance, 1943.

11. The words "to which the provisions of Section 125 apply" in lines 1 and 2 of Section 126 of the Customs Ordinance, 1943, shall be deleted.

Amendment of Section 126 of the Customs Ordinance, 1943.

12. The word "if" in line 6 of Section 137 of the Customs Ordinance, 1943, shall be deleted.

Amendment of Section 137 of the Customs Ordinance, 1943.

13. The word "such" in line 1, and the words "as aforesaid" in line 3 of Section 152 of the Customs Ordinance, 1943, shall be deleted.

Amendment of Section 152 of the Customs Ordinance, 1943.

Passed by the Legislative Council this 23rd day of December, 1946.

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

Assented to by the Governor and given under the Public Seal of the Colony this 24th day of December, 1946.

A. B. MATHEWS,
Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 4 of 1946.

I ASSENT,

G. M. CLIFFORD,

Governor.

24th December, 1946.

An Ordinance

To legalise certain payments made in the year One thousand Nine hundred and Forty-five in excess of the Expenditure sanctioned by Ordinance No. 13 of 1944.

WHEREAS it is expedient to make further provision for the service of the Colony for the year 1945. Preamble.

BE IT THEREFORE ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:— Enacting Clause.

1. This Ordinance may be cited for all purposes as the Supplementary Appropriation (1945) Ordinance, 1946. Short Title.

2. The sums of money set forth in the Schedule hereto having been expended for the services therein mentioned beyond the amounts granted for those services by the Ordinance providing for the service of the year One Thousand nine hundred and forty-five, the same are hereby declared to have been duly laid out and expended for the service of the Colony in that year, and are hereby approved, allowed and granted in addition to the sums mentioned for those services in the said Ordinance. Appropriation of excess expenditure for the year 1945.

Passed by the Legislative Council this 23rd day of December, 1946.

L. W. ALDRIDGE,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 24th day of December, 1946.

A. B. MATHEWS,

Colonial Secretary.

SCHEDULE.

Number.	Head of Service.	Amount.		
		£	s.	d.
FALKLAND ISLANDS.				
IV.	Treasury & Customs	101	19	0
VII.	Electrical & Telegraphs	2031	8	6
X.	Police & Prisons	166	14	1
XI.	Medical	391	12	4
XV.	Military	43	4	6
XVI.	Agriculture	614	13	7
XVII.	Miscellaneous	3995	4	11
XVIII.	Public Works	41	1	5
XIX.	Public Works Recurrent	8229	12	11
XXII.	Land Sales Fund	893	0	0
		£ 16508	11	3



[L.S.]

FALKLAND ISLANDS.

Ordinance No. 5 of 1946.

I ASSENT,

G. M. CLIFFORD,
Governor.

24th December, 1946.

An Ordinance

To amend the Tariff Ordinance, 1943.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows :—

1. This Ordinance may be cited as the Tariff (Amendment) Ordinance, 1946, and shall be read and construed as one with the Tariff Ordinance, 1943, (hereinafter referred to as the Principal Ordinance). Short Title.

2. The Second Schedule to the Principal Ordinance is hereby amended by the insertion of the words "of the Governor or" between the words "use" and "in" in the first line of the sixth paragraph. Amendment of the Second Schedule to Ordinance No. 2 of 1943.

Passed by the Legislative Council this 23rd day of December, 1946.

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

Assented to by the Governor and given under the Public Seal of the Colony this 24th day of December, 1946.

A. B. MATHEWS,
Colonial Secretary.

[L.S.]



FALKLAND ISLANDS.

Ordinance No. 6 of 1946.

I ASSENT,

G. M. CLIFFORD,

Governor.

24th December, 1946.

An Ordinance

To provide for the service of the year 1947.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows :—

Enacting Clause.

1. This Ordinance may be cited for all purposes as the Appropriation (1947) Ordinance, 1946.

Short Title.

2. The Governor may cause to be issued out of the Public Revenue and other funds of the Colony and applied to the service of the year ending the 31st December, 1947, a sum not exceeding One hundred and Thirty-seven thousand, One hundred and Sixty-nine pounds, which sum is granted and shall be appropriated for the purposes and to defray the charges of the several services expressed and particularly mentioned in the Schedule hereto which will come in course of payment during the year 1947.

Appropriation of
£137,169 for service
of year 1947.

Passed by the Legislative Council this 23rd day of December, 1946.

L. W. ALDRIDGE,

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 24th day of December, 1946.

A. B. MATHEWS,

Colonial Secretary.

SCHEDULE.

Number.	Head of Service.	Amount.		
		£	s.	d.
FALKLAND ISLANDS.				
I.	Pensions	3950	0	0
II.	The Governor	4489	0	0
III.	Colonial Secretary	3916	0	0
IV.	Treasury and Customs	2111	0	0
V.	Audit	386	0	0
VI.	Post Office	6227	0	0
VII.	Electrical and Telegraphs	8556	0	0
VIII.	Harbour	1454	0	0
IX.	Courts	432	0	0
X.	Police and Prisons	1726	0	0
XI.	Medical	9450	0	0
XII.	Education	9011	0	0
XIII.	Ecclesiastical	289	0	0
XIV.	Naturalist	350	0	0
XV.	Military	1006	0	0
XVI.	Agriculture	10331	0	0
XVII.	Miscellaneous	12614	0	0
XVIII.	Public Works	3477	0	0
XIX.	Public Works Recurrent	22260	0	0
Total Ordinary Expenditure		£102035	0	0
XX.	Public Works Extraordinary	3770	0	0
XXI.	War Expenditure	720	0	0
XXII.	Land Sales Fund	211	0	0
Total Expenditure chargeable to Revenue		£106736	0	0
DEPENDENCIES.				
I.	Ordinary Expenditure	24708	0	0
II.	Extraordinary Expenditure	5725	0	0
Total		£137169	0	0

PART II.

PROCLAMATIONS, REGULATIONS, ETC.

FALKLAND ISLANDS.

No. 1.

Proclamation

1946.

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

A. B. MATHEWS.

[L.S.]

By His Excellency ARNOLD BURNETT MATHEWS, ESQUIRE, *Officer of the Most Excellent Order of the British Empire, Acting Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.*

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

AND WHEREAS His Excellency Sir ALLAN WOLSEY CARDINALL, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Distinguished Order of Saint Michael and Saint George, has this day left the Colony on leave of absence;

AND WHEREAS there is no such officer as Lieutenant Governor in this Colony and no person has been appointed under the Royal Sign Manual and Signet to administer the Government of this Colony in the absence of the Governor;

NOW, THEREFORE, I, ARNOLD BURNETT MATHEWS, Officer of the Most Excellent Order of the British Empire, Colonial Secretary of the Falkland Islands, the Senior Member of the Executive Council aforesaid, do hereby proclaim and make known that, in pursuance of the said clause of the said Royal Letters Patent and having taken the oaths prescribed by law, I have this day assumed the Administration of the Government of this Colony and its Dependencies.

GOD SAVE THE KING.

Given at Government House, Stanley, this 26th day of July, in the year of Our Lord, One thousand Nine hundred and Forty-six.

By His Excellency's Command,

L. W. ALDRIDGE,

for Colonial Secretary.

M.P. P/343.

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FALKLAND ISLANDS.

No. 2.

Proclamation

1946.

Importation of Livestock from South America.

(Repeal of Proclamation No. 3 of 1944).

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

A. B. MATHEWS.

[L.S.]

By His Excellency ARNOLD BURNETT MATHEWS,
ESQUIRE, *Officer of the Most Excellent Order*
of the British Empire, Acting Governor and
Commander-in-Chief in and over the Colony of
the Falkland Islands and its Dependencies,
&c., &c., &c.

WHEREAS by Section 44 of the Livestock Ordinance, 1901, it is provided that the Governor in Council may from time to time by Proclamation prohibit the importation of sheep, cattle or other animals from any places that may be named in such Proclamation, for such period as he may deem necessary for the purpose of preventing the introduction of any infectious disease :

AND WHEREAS a prohibition on the importation into the Falkland Islands of sheep, cattle or swine from those parts of South America that lie to the north of the northern boundaries of the Chilian Province of Magellanes and the Argentine Province of Santa Cruz was proclaimed in Proclamation No. 3 of 1944 :

AND WHEREAS it is now deemed expedient in view of further information received to repeal that Proclamation :

NOW, THEREFORE, by virtue of these powers vested in the Governor in Council be it ordered and proclaimed as follows :

The Proclamation of the fourth day of November, in the Year of Our Lord One thousand Nine hundred and Forty-four is hereby repealed.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 29th day of August, in the Year of Our Lord One thousand Nine hundred and Forty-six.

By His Excellency's Command,

L. W. ALDRIDGE,

for Colonial Secretary.

M.P. 95/44.

FALKLAND ISLANDS.

No. 3.

Proclamation

1946.

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

A. B. MATHEWS.

[L.S.]

By His Excellency ARNOLD BURNETT MATHEWS,
ESQUIRE, *Officer of the Most Excellent Order*
of the British Empire, Acting Governor and
Commander-in-Chief in and over the Colony of
the Falkland Islands and its Dependencies,
&c., &c., &c.

WHEREAS by Ordinance No. 2 of 1943 entitled "An Ordinance to make provision for the raising and collection of Import and Export Duties", it is among other things enacted that the said Ordinance shall come into operation on a day to be fixed by the Governor by Proclamation in the Gazette, which shall be judicially noticed.

NOW, THEREFORE, I do Order and Proclaim, and it is hereby ordered and proclaimed, that the above-recited Ordinance shall come into operation on the twelfth day of September, 1946.

GOD SAVE THE KING.

Given at Government House, Stanley, this 12th day of September, in the Year of Our Lord One thousand Nine hundred and Forty-six.

By His Excellency's Command,

L. W. ALDRIDGE,

M.P. 159/43.

for Colonial Secretary.

FALKLAND ISLANDS.

No. 4.

Proclamation

1946.

Assumption of the Administration of the Colony by His Excellency
GEOFFREY MILES CLIFFORD, Esquire, C.M.G., O.B.E., E.D.

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

G. M. CLIFFORD — *By His Excellency GEOFFREY MILES CLIFFORD, Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, upon whom has been conferred the Efficiency Decoration, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.*

[L.S.]

His Excellency GEOFFREY MILES CLIFFORD, Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, upon whom has been conferred the Efficiency Decoration, Governor and Commander-in-Chief of the Colony of the Falkland Islands and its Dependencies hereby gives notice that he has in pursuance of His Most Gracious Majesty's Commission this day taken the oaths prescribed by law as Governor of the Colony of the Falkland Islands and its Dependencies and assumed the Administration of the Government.

GOD SAVE THE KING.

Given at Government House, Stanley, this twenty-sixth day of November, in the Year of Our Lord One thousand Nine hundred and Forty-six.

By His Excellency's Command,

A. B. MATHEWS,

Colonial Secretary.

M.P. P/363.

FALKLAND ISLANDS.

No. 5.

Proclamation

1946.

Repeal of Proclamations Nos. 4 and 11 of 1939, No. 5 of 1940, and No. 4 of 1941.

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

A. B. MATHEWS.

[L.S.]

By His Excellency ARNOLD BURNETT MATHEWS,
ESQUIRE, *Officer of the Most Excellent Order
of the British Empire, Acting Governor and
Commander-in-Chief in and over the Colony of
the Falkland Islands and its Dependencies,
&c., &c., &c.*

The following Proclamations are hereby repealed :—

Proclamation No. 4 of 1939, made on the 2nd day of September, 1939, authorising the requisitioning of ships and vessels ;

Proclamation No. 11 of 1939, made on the 2nd day of September, 1939, authorising the calling up of Royal Naval Reserves ;

Proclamation No. 5 of 1940, made on the 20th day of September, 1939, authorising the prohibition of importation of aluminium into the Colony ;

Proclamation No. 4 of 1941, made on the 15th day of May, 1941, authorising the prohibition of exportation of certain valuables from the Colony.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this 5th day of November, in the Year of our Lord, One thousand Nine hundred and Forty-six.

By His Excellency's Command,

L. W. ALDRIDGE,

for Colonial Secretary.

M.P. C/1/44.

FALKLAND ISLANDS.

No. 6.

Proclamation

1946.

Restriction on Importation of Goods.

(Repeal of Proclamation No. 5 of 1941.)

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

G. M. CLIFFORD

[L.S.]

— By His Excellency GEOFFREY MILES CLIFFORD, Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, upon whom has been conferred the Efficiency Decoration, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.

In virtue of the powers in me vested by Section 2 of the Exports and Imports (Emergency Powers) Ordinance, 1939, I, GEOFFREY MILES CLIFFORD, Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, upon whom has been conferred the Efficiency Decoration, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, do hereby proclaim and order and it is hereby proclaimed and ordered that the following amended rules regarding the importation of all goods without exception come into force forthwith.

1. Open general Import Licences will henceforth be granted to Registered Traders upon application to the Competent Authority for all articles of Merchandise obtainable within the sterling area with the exception of Foodstuffs, which will continue to be controlled.
2. Only in cases of urgency will an Import Licence be granted for an article from a non-sterling area when that article or a similar article is obtainable from a sterling area.

Proclamation No. 5 of 1941, made on the 9th day of June, 1941 is hereby repealed.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Government House, Stanley, this fourteenth day of December, in the Year of Our Lord One thousand Nine hundred and Forty-six.

By His Excellency's Command,

A. B. MATHEWS,

Colonial Secretary.

FALKLAND ISLANDS.

Defence Force Ordinance, No. 7 of 1920.

Regulations made by the Governor in Council under
Section 37 of the Defence Force Ordinance, 1920.

No. 1 of 1946. A. W. CARDINALL,
Governor.

In exercise of the powers vested in him by Section 37 of the Defence Force Ordinance, 1920, and with the advice and consent of the Executive Council, His Excellency the Governor is pleased to make the following Regulations :—

1. These Regulations may be cited as the Defence Force Regulations, 1946. Short Title.
2. The Force shall muster for the following compulsory parades during each year :— Compulsory Parades.
 - (a) For trained members. Twelve compulsory instructional parades, annual Musketry Classification and the annual Ceremonial Parade on the occasion of the Birthday of His Majesty the King.
 - (b) For first year recruits. Thirty-two compulsory parades, annual Musketry Classification and for the annual Ceremonial Parade on the occasion of the Birthday of His Majesty the King if specifically detailed so to do.
3. All Commissioned Officers of the Force below the rank of Major shall automatically be placed on the Retired List on reaching the age of 50; this shall not, however, in any way affect earlier resignation or retirement under Clauses 11 and 13 of the Ordinance respectively. Retirement.

All Warrant Officers, Non-Commissioned Officers and Men shall automatically be posted to the Reserve List on reaching the age of 41, provided he has at least seven years' service in the Force, but earlier resignation under Clause 11, or application to retire under Clause 13, may still be made. In the case of any member reaching the age of 41 without the necessary seven years' service, then such a member shall not be placed on the Retired List until he has completed the necessary seven years.
4. Any member of the Force shall be deemed to be efficient in drill if he has attended *all* compulsory parades during the year as laid down in paragraph 2, and in musketry if he has qualified as at least a second class shot. Efficiency.
5. Officers on being Gazetted Second-Lieutenants may, on the recommendation of the Commanding Officer and Adjutant and subject to efficient service, be promoted to Lieutenant after two years' Commissioned Service. Promotion of Officers.
6. The Commanding Officer shall submit to His Excellency the Governor a confidential report on each Officer in the Force in January each year. Such reports shall be read to the Officer concerned before submission. Confidential Reports.

Made by the Governor in Executive Council at a Meeting held on the 14th of May, 1946.

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

FALKLAND ISLANDS.

The Mining Ordinance, 1918.

Regulations made by the Governor in Council under the Mining Ordinance, 1918.

A. W. CARDINALL,
Governor.

No. 2 of 1946.

In pursuance of the powers vested in him by Section 12 of the Mining Ordinance, 1918, and otherwise, the Governor is pleased, with the advice and consent of the Executive Council to make the following Regulations :—

- | | |
|--|--|
| 1. These Regulations may be cited as the Mining Regulations, 1946. | Short Title. |
| 2. No person may prospect for or mine uranium or thorium bearing minerals without specific authority from the Governor-in-Council. | Prospecting or mining prohibited without authority of Governor-in-Council. |
| 3. The Governor must be kept fully informed of all action taken under a prospecting or mining licence for such minerals. | Governor to be kept fully informed of all action taken under licence. |
| 4. The export of such minerals is strictly controlled by licence. | Export of minerals controlled by licence. |
| 5. The following Schedule shows the minerals to which these Regulations apply. | Schedule. |

SCHEDULE.

- (1) Minerals of the pitchblende group, including pitchblende, uraninite, ulrichite, bröggerite, cleveite, and related mineral species.
- (2) Torbernite and autunite.
- (3) Secondary uranium minerals other than torbernite and autunite, including rutherfordine, uranite, uranophane, gunnite, thorogunnite, uranocircite, kasolite, becquerelite, and other silicates, hydrates, carbonates, phosphates or arsenates of uranium.
- (4) Carnotite and tyuyamunite.
- (5) Uranium-bearing niobate-titanate-tantalate ores, including euxenite, polycrase, blomstrandine, priorite, samarskite, fergusonite, betafite, plumboniobite, and related mineral species containing over one per cent uranium oxide.
- (6) Monazite, thorite, thorianite and radio-active zircon.

Made by the Governor in Executive Council at a meeting held on the 14th day of May, 1946.

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

M.P. S/8/46.

FALKLAND ISLANDS.

Regulations made by the Governor in Council under Section 11 of the Whale Fishery (Consolidation) Ordinance, 1936.

No. 3 of 1946.

A. B. MATHEWS,
Acting Governor.

1. These Regulations may be cited as the Whaling (Amendment) Regulations, 1946.
2. Section 3 of the Whaling Regulations, 1936, is hereby amended by the deletion of the figures and words "1st October to the 1st April following" and the substitution therefor of the figures and words "16th October to 16th April following".

Made and approved by the Governor in Executive Council on the 27th day of July, 1946.

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

M.P. D/16/46.

FALKLAND ISLANDS.

Falkland Islands Defence Regulations, 1946.

Order.

A. B. MATHEWS.

Acting Governor.

No. 4 of 1946.

In exercise of the powers in him vested by the Falkland Islands Defence Regulations, 1939, His Excellency the Acting Governor is pleased to order and it is hereby ordered as follows :—

1. The following of the Principal Regulations as amended, and all Orders issued thereunder are hereby repealed :—

PART III.

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Section 16		Power of Governor to terminate Military appointments.
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Section 33		Measures for safety of ships.
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" 68	Billeting.
" 69	Power to enter and search premises.
" 75	Recovery of expenses.
" 76	Entrusting of functions to statutory bodies.

Dated this 4th day of November, 1946.

By Command,
L. W. ALDRIDGE,
for Colonial Secretary.

M.P. C/1/44.

FALKLAND ISLANDS.

Regulations made by the Governor in Executive Council
under Section 6 of the Motor Car Ordinance, No. 2 of 1936.

A. B. MATHEWS,
Acting Governor.
No. 5 of 1946.

In pursuance of the powers in him vested by Section 6 of the Motor Car Ordinance, 1936, and otherwise, the Governor is pleased, with the advice and consent of the Executive Council, to make the following Regulations :—

1. These Regulations may be cited as the Motor Cars (Amendment) Regulations, 1946, and shall be read and construed as one with the Motor Cars Regulations, 1936. Short Title.

2. The Motor Cars Regulations, 1936, are hereby amended by the addition thereto of the following Section after Section 13 :— Amendment of
Motor Cars Regu-
lations, 1936.

"13A. In the case of any vehicle not constructed to be steered or controlled from the right hand side, the signals prescribed in Regulation 13 shall not apply, but the driver of such a vehicle shall signify his intentions clearly to other users of the road either by mechanical means or by such other method as may be approved by the Chief Constable : and there shall be painted in capital letters on the rear of the vehicle, in such a manner as to be clearly legible at a distance of not less than 25 yards, the words "CAUTION - LEFT HAND DRIVE".

3. Section 24 of the Motor Cars Regulations, 1936, is hereby repealed. Repeal of Section 24
of Motor Cars Regu-
lations, 1936.

Made by the Governor in Executive Council this 22nd day of November, 1946.

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

FALKLAND ISLANDS.

Stanley Volunteer Fire Brigade.

Rules made by the Superintendent of the Stanley Volunteer Fire Brigade under Section 6 of the Stanley Fire Brigade Ordinance, No. 3 of 1898.

1. Each Member of the Brigade shall promptly obey all orders which he may receive from those in authority over him, and shall conform to all rules which may from time to time be made by the Superintendent.

2. The Brigade shall provide each Member with an armlet.

3. No Member can be recognised at any drill or fire as a Member of the Fire Brigade unless wearing his armlet, and no Member shall appear in his armlet except when he is on duty.

4. Each unit of the Brigade shall meet for drill &c., not less than twelve times yearly, the time to be as directed by the Superintendent.

5. A Member of the Brigade leaving Stanley for any period exceeding one week shall inform the Superintendent or Captain of his unit 12 hours prior to his departure.

6. The Brigade when assembled for drill &c., shall be deemed to be on Active Duty, and no Member shall leave such drill &c., without the permission of the Superintendent or Captain of his Unit.

7. Any matter of importance or general application, such as the alteration of the Rules &c., shall be decided at a Committee Meeting of the Brigade and then submitted to the Governor for his approval.

8. Nothing in these Rules contained shall affect the liability of any Member of the Brigade to any punishment or penalty to which he is liable at Common Law or under the Stanley Volunteer Fire Brigade Ordinance, No. 3 of 1898.

9. The Rules of the 11th of June, 1921, are hereby repealed.

Laid before and approved by the Committee of the Stanley Volunteer Fire Brigade on the 20th of February, 1946.

Transmitted to the Governor for his approval this 22nd day of February, 1946.

R. H. HANNAFORD,
*Superintendent, Stanley
Volunteer Fire Brigade.*

Approved,

A. W. CARDINALL,
Governor,
22nd February, 1946.

FALKLAND ISLANDS.

The Savings Bank Ordinance, 1936.

Rules made by the Governor in Council under Section 14 (1) of the Savings Bank Ordinance, No. 7 of 1936.

A. W. CARDINALL,
Governor.

No. 1 of 1946.

In pursuance of the powers vested in him by Section 14 (1) of the Savings Bank Ordinance, 1936, and otherwise, the Governor is pleased, with the advice and consent of the Executive Council to make the following Rules :—

1. These Rules may be cited as the Savings Bank (Amendment) Rules, 1946. Short Title.

2. Section 8 of the Savings Bank Rules, 1936, is hereby amended by the deletion of the sum “£5,000” in line 2 and the substitution therefor of the sum “£7,500”. Amendment of Section 8 of the Savings Bank Rules, 1936.

Made by the Governor in Executive Council at a meeting held on the 14th day of May, 1946.

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

M.P. 241/35.



ORDINANCES
of the
COLONY
of the
FALKLAND ISLANDS
enacted during the year
1947
together with the
Rules, Regulations, etc., etc.,
made during that year.

PART I.

ORDINANCES.

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

PRICE 6/-.

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

Assented to in His Majesty's name this 29th day of November, 1947.

MILES CLIFFORD,
Governor.

[L.S.]



No. 1

1947.

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Colony of the Falkland Islands and its Dependencies.

IN THE TWELFTH YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE VI.
G. M. CLIFFORD, C.M.G., O.B.E., E.D.,
Governor.

An Ordinance
To constitute a Town Council for Stanley, to
provide for the conduct of Elections and to
regulate the general powers of the Council.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows—

1. This Ordinance may be cited as the Stanley Town Council Ordinance.

ARRANGEMENTS OF PARTS.

Part I. — Constitution of the Council.	Parts.
Part II. — Election procedure.	
Part III. — Prevention of corrupt practices at elections.	
Part IV. — General powers and duties of Council.	
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PART I.

THE CONSTITUTION OF THE COUNCIL.

2. (1) There shall be constituted and elected in Stanley a Town Council (hereinafter referred to as the Council) the members whereof shall be termed councillors, and the said Council shall be constituted as from the date of the first election held under this Ordinance.

(2) The Council shall be a corporate body having a common seal and shall sue or be sued in its corporate capacity.

Constitution of Town Council.

3. (1) The Council shall consist of nine members of whom three shall be members nominated or appointed by the Governor and six shall be members elected by the electors of Stanley.

(2) The Governor shall at each general election of councillors appoint three councillors as he may see fit for the full period of two years provided that in the case of the death or resignation of a councillor appointed under this subsection, or if any such councillor is absent from meetings of the Council for more than six months consecutively except in case of illness or for some reason approved by the Council, the Governor may appoint some other person to fill the vacancy and the person so appointed shall continue in office as a councillor so long only as the person in whose stead he shall have been appointed would have been entitled to remain in office.

(3) Every appointment or nomination made by the Governor under subsections (1) and (2) of this section shall be published in the Gazette.

(4) The six elected councillors shall be elected for a period of two years, at any election after the first election referred to in Clause 8 (1) hereafter.

Constitution of wards for elections.
(First Schedule).

4. For the purpose of the election of councillors, the Township of Stanley shall be divided into three wards as set out in the First Schedule to this Ordinance and each elector shall record his vote only in the ward for which he is registered as an elector.

Preparation of register of electors.

5. (1) The year following immediately on the passing of this Ordinance and thereafter in every second year there shall be prepared a register of electors and such register shall be published not later than the 1st day of October in such year,

(Second Schedule).

(2) The Council shall appoint a registration officer to supervise the preparation of the register in accordance with the rules contained in the Second Schedule to this Ordinance,

Provided that the Governor may make all declarations, appointments and other arrangements necessary for the purpose of holding the first election.

Qualifications of electors.

6. A person shall not be entitled to be enrolled as an elector unless he is qualified as follows—

(Women to vote on same footing as men).

(a) is a person of either sex of twenty-one years of age or over, and

(b) is, on the first day of December of the year immediately preceding the year in which the electors lists are prepared or revised, ordinarily resident within the municipal limits and has during the twelve months prior thereto actually resided therein,

Provided that he shall not be deemed not to have actually resided within the municipal limits by reason only that he has been temporarily absent therefrom for short periods,

Provided also that no person in the armed forces, other than the Falkland Islands Defence Force, who is stationed in Stanley for naval or military purposes, shall be entitled to be registered as an elector in respect of the occupation of any residence or quarters provided by the Crown free of rent or other charges.

Appeal against decision of Registration Officer.

7. (1) Any person who deems himself aggrieved by the omission or inclusion of any name in the register may make complaint or objection to the Registration Officer who shall hear and determine the same.

(2) An appeal shall lie to the Magistrate's Court from any decision of the Registration Officer on any complaint or objection which has been considered by him.

(3) An appeal shall lie on any point of law from any decision of the Court on any such appeal from the Registration Officer to the Supreme Court, but no appeal shall lie from any decision of the Supreme Court.

8. (1) The first election under this Ordinance shall be held on the first Wednesday in the month of December immediately following the passing of this Ordinance. The second election shall be held on the second Wednesday of the month of December of the year immediately following the first election. Thereafter elections shall be held biennially on the second Wednesday in the month of December. One month before the second election if neither of the councillors in each ward wishes voluntarily to retire then one councillor in each ward shall be selected by ballot to retire. At each biennial election thereafter the most recently elected councillor in each ward shall remain in office and the other retire automatically. Any councillor retiring as a result of the ballot before the second election or automatically retiring under this clause shall be eligible to be a candidate at any subsequent election.

Date of first and subsequent and casual elections.

(2) In the case of a casual vacancy among the elected members an election shall be held on any day to be fixed by the Governor, such day being not less than twenty-eight nor more than forty-two days after the date upon which the vacancy shall have been notified to exist and any such casual vacancy arising shall be notified to the Governor by the Chairman of the Council and published in the Gazette at the first meeting of the Council after the vacancy has arisen.

9. (1) The Registration Officer shall perform the duties of returning officer and shall have power to appoint deputies who shall perform such duties as the Registration Officer shall direct, but the appointments of deputies shall be subject to the approval of the Council.

Duties of Returning Officer, and appointment of Deputies.

(2) The expenses incurred in the preparation of the register shall be audited by the Town Council auditor and shall be paid out of the funds of the Council.

10. A person shall be qualified to be elected a councillor if he is qualified to be registered as an elector in the terms of section six of this Ordinance. Provided that no person in the established service of the Government shall be nominated for election.

Qualification of councillor.

11. (1) A person shall be disqualified from becoming or from acting as a councillor who shall be or shall become a bankrupt and shall not have obtained his discharge or who has been or shall be convicted of any felony or other crime for which he has suffered or shall be sentenced to undergo any term of imprisonment exceeding three calendar months.

Disqualification of councillors.

(2) Any person not duly qualified who shall wilfully act as a councillor shall be liable to a penalty not exceeding £50 for every day on which he shall so act, or to imprisonment for a term not exceeding six months, and the appointment or election of any such person who shall not be duly qualified or who shall become disqualified shall be void to all intents and purposes as from the date upon which such councillor shall first have become disqualified,

Provided always that no such acting shall prejudice or make void the acts of the councillors duly appointed or legally qualified.

12. Every person being a candidate for election as a councillor shall in writing not later than twenty-one days before the date fixed for the taking of the poll so notify the Returning Officer of his intention, the notification being subscribed by two electors of the ward, and shall at the same time forward to the Returning Officer a declaration sworn before a Justice of the Peace in the form set out in the Third Schedule to this Ordinance that he fulfils the qualifications required under this Ordinance.

Declaration to be made by candidate for election as councillor.

(Third Schedule).

PROCEDURE AT POLL.

Votes, when poll required at an election, to be taken by ballot. Of what ballot shall consist.

Description of ballot paper.
(Fourth Schedule).

Oath of secrecy by and before whom to be taken.
(Fifth Schedule.)

Provision of ballot boxes etc.

Directions for the guidance of electors.
(Sixth Schedule.)

Ballot boxes to be locked and sealed etc.

Every elector entitled to a ballot paper.

Course to be followed by an elector on receiving a ballot paper.

24. In the case of a poll being required at an election the votes shall be given by ballot, the ballot of each voter shall consist of a paper (in this Ordinance referred to as a ballot paper) showing the names and descriptions of the candidates arranged alphabetically in the order of their surnames and (if there are two or more candidates with the same surname) of their other names; it shall have a number printed on the back and shall have attached a counterfoil with the same number printed on the face, and shall be in the form set out in the Fourth Schedule to this Ordinance or as near thereto as circumstances admit, and shall be capable of being folded up.

25. The presiding officer and every other person authorised to attend a polling place, or at the counting of the votes, shall, before the opening of the poll, make the oath of secrecy in the form prescribed in the Fifth Schedule to this Ordinance. If the person is the presiding officer he shall make the oath before a Justice of the Peace and if he is any other person, before the presiding officer or a Justice of the Peace.

26. (1) The presiding officer shall within three days before polling day provide such ballot boxes, ballot papers, polling compartments, materials for electors to mark the ballot papers, directions for the guidance of electors in voting and such other things as may be necessary for effectually conducting any election in the manner provided by this Ordinance.

(2) There shall be one polling station in each ward and each polling place shall be furnished with one or more compartments as shall be necessary in which the electors can mark their votes screened from observation.

27. Directions for the guidance of the electors in voting according to the form set forth in the Sixth Schedule to this Ordinance shall be placarded in various places, outside and inside every polling place and, in addition thereto, in every compartment of every polling place and be illustrated by examples of the ballot paper.

28. Every ballot box shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn therefrom without the box being unlocked. The presiding officer at any polling place just before the commencement of the poll shall show the ballot box empty to such persons as may be present in such polling place so that they may see that it is empty, and shall then lock it up and place his seal upon it in such manner as to prevent its being opened without breaking such seal and shall place it in his view for the receipt of ballot papers and keep it so locked and sealed.

29. Every elector shall be entitled to demand and receive a ballot paper, but immediately before it is delivered to such elector it shall be marked on both sides by the presiding officer with a mark (in this Ordinance referred to as the official mark) and the number and name of the elector as stated in the copy of the register shall be called out and the number of such elector to denote that he has received a ballot paper but without showing the particular ballot paper which he has received.

30. (1) The elector, on receiving the ballot paper, shall forthwith proceed into the compartment or one of the compartments in the polling place and there secretly mark his vote by placing a cross on the right hand side of the ballot paper opposite the name of the candidate for whom he votes. The elector may vote for as many candidates as there are vacancies to be filled. The elector shall then fold up the ballot paper so as to conceal his vote but so as to show the official mark on the back, and shall then put his ballot paper so folded in the ballot box in the presence of the

presiding officer, after having shown to him the official mark on the back.

(2) Any ballot paper which has not on its back the official mark or on which votes are given to more candidates than the elector voting is entitled to vote for, or on which anything except the said number on the back is written or marked by which the elector can be identified shall be void and not counted.

(3) Every elector shall vote without undue delay and shall quit the polling place as soon as he has put his ballot paper into the ballot box.

31. The presiding officer, on the application of any elector who is incapacitated by blindness or other physical cause from voting in manner prescribed by this Ordinance, or of any elector who is unable to read, shall cause the vote of such elector to be marked on a ballot paper in manner directed by such elector, and the ballot paper to be placed in the ballot box, and the name and the number on the register of every elector whose vote is so marked in pursuance of this section and the reason why it is so marked shall be entered on a list called the list of voters marked by the presiding officer.

Votes of blind electors, etc.

32. If a person representing himself to be a particular elector named on the register applies for a ballot paper after another person has voted as such elector, the applicant shall upon duly answering the questions and taking the oath permitted to be asked of and to be administered to voters at the time of polling, be entitled to mark a ballot paper in the same manner as any other voter, but the ballot paper, (in this Ordinance referred to as a tendered ballot paper), instead of being put into the ballot box shall be given to the presiding officer and endorsed by him with the name of the voter and the number in the register and set aside and shall not be counted by the presiding officer, and the name of the voter and his number on the register shall be entered on a list called the tendered votes list.

Two persons claiming to be same voter.

33. An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering to the presiding officer the ballot paper so inadvertently dealt with and proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another ballot paper in place of the ballot paper so delivered up and the spoilt ballot paper shall be immediately cancelled.

When an elector may obtain a second ballot paper.

34. If any person misconducts himself in the polling place or fails to obey the lawful orders of the presiding officer he shall forthwith be removed from the polling place by any constable or any other person authorised by the presiding officer to remove him, and the persons so removed shall not, unless with the permission of the presiding officer, again be allowed to enter the polling place during that day. The powers conferred by this section shall not be exercised so as to prevent any elector who is otherwise entitled to vote at any polling place from having an opportunity of voting at such polling place.

Keeping order in polling place.

35. No elector who has voted at an election shall in any legal proceedings to question the election or return be required to state for whom he has voted.

Prohibition of disclosure of vote.

36. No election shall be declared invalid by reason of any mistake in the use of the form in the Fourth Schedule to this Ordinance if it appears to the authority having cognisance of the question that the election was conducted in accordance with the principles laid down in this Ordinance, and that such mistake did not affect the result of the election.

PROCEDURE AFTER CLOSE OF POLL.

Result of poll when, how and in whose presence to be ascertained.

37. (1) After the close of the poll all ballot papers received at any polling place shall be sealed up by the person presiding at the polling place and delivered to the returning officer.

(2) The sealed boxes shall be opened by the returning officer in the presence of the candidates or other persons nominated by them for the purpose and of no other person except with the sanction of the returning officer; and he and his deputies shall ascertain and declare the result of the poll by counting the votes given to each candidate but while so doing shall keep the ballot papers with their face upwards and take all proper precautions for preventing any person from seeing the numbers on the backs of such papers.

(3) The returning officer shall give notice to the candidates of the time and place for counting the votes.

(4) Where an equality of votes is found to exist between any candidates on a final count and the addition of a vote would entitle any of those candidates to be declared elected the returning officer shall make a special return of the results of the election and the Council duly assembled shall choose one of such candidates to be a member of the Council.

Course to be pursued with respect to rejected ballot papers.

38. The presiding officer shall endorse the word "rejected" on any ballot paper which he may reject as invalid, and shall add to such endorsement the words "rejection objected to" if any objection be in fact made by any candidate, or a person nominated by him to be present at the count of the votes, to the decision of the presiding officer. The presiding officer shall report to the Colonial Secretary the number of ballot papers rejected and not counted by him under the following heads—

- (a) absence of official mark;
- (b) voting for more candidates than entitled to;
- (c) writing or other mark by which voter could be identified;
- (d) unmarked or void for uncertainty;

and shall on request allow the candidate before such report is submitted to copy it.

Decision of presiding officer to be final.

39. The decision of the presiding officer as to any question arising in respect of any ballot paper shall be final, subject to reversal on petition questioning the election or return.

Disposal of papers relating to the election when result of poll is declared.

40. Upon the completion of the counting and the declaration by the presiding officer of the candidates elected, the presiding officer shall seal up each description of papers, other than the list of voters (which shall in each case be returned to the Colonial Secretary for future use), relating to the election in separate packets and return them to the Colonial Secretary and the Colonial Secretary shall retain for one year all documents and papers so returned to him, after which, unless otherwise directed by the Supreme Court, he shall cause them to be destroyed.

In whose presence such papers be sealed up.

41. The papers required by Section 40 of this Ordinance to be sealed by the presiding officer shall be sealed up by him in the presence of the candidates, or any other person nominated by them for the purpose in attendance, and by no other person except with the sanction of the presiding officer.

Rejected ballot papers not to be inspected except under order of the Supreme Court.

42. No person shall be allowed to inspect any rejected ballot papers in the custody of the Colonial Secretary except upon the order of the Supreme Court to be granted only where it is satisfied by evidence on oath that the inspection or production of such ballot

papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purpose of a petition questioning an election or a return; and any such order for the inspection or production of ballot papers may be made subject to such conditions as to persons, time, place and mode of inspection or production as the Supreme Court may think expedient and shall be obeyed by the Colonial Secretary, and the power given to the Court by this Section may be exercised by the Judge in chambers.

43. No person shall, except by order of the Supreme Court, open any election papers relating to the election of members of the Council so returned to the Colonial Secretary and in his custody; such order may be subject to such conditions as to person, time, place and mode of opening or inspection as the Court may think expedient. Provided that in making and carrying into effect any such order care shall be taken that the mode in which any particular elector has voted shall not be discovered until he has been proved to have voted and his vote has been declared by competent authority to be invalid. Such papers shall be resealed at such time and in such manner as the Court may from time to time direct.

Election papers in the custody of the Colonial Secretary not to be opened except under an order of the Supreme Court.

44. When an order is made for the production by the Colonial Secretary of any document in his possession relating to any specified election, the production by the Colonial Secretary of the documents ordered by the Supreme Court in such manner as may be directed by rule shall be conclusive evidence that such document relates to the specified election; and any endorsement appearing on any packet of papers produced by the Colonial Secretary shall be evidence of such papers being what they are stated to be by the endorsement. The production from proper custody of a ballot paper purporting to have been used at any election and of a counterfoil marked with the same printed number and having a number marked thereon in writing shall be *prima facie* evidence that the person who voted by such ballot paper was the person who at the time of such election had annexed to his name in the register at such election the same number as the number written on such counterfoil.

Production by Colonial Secretary of documents under any such order to be conclusive evidence that such documents are the ones required.

PART III.

PREVENTION OF CORRUPT PRACTICES AT ELECTIONS.

ELECTION OFFENCES.

45. In this part of this Ordinance, unless the context otherwise requires—

"candidate at an election" includes all persons elected to serve as members on the Council and all persons nominated as candidates or who shall have declared themselves candidates at or before such election;

"corrupt practice" means the offence of treating, undue influence, bribery and personation as defined in this part of this Ordinance and includes the aiding, abetting, counselling and procuring the commission of the offence of personation;

"election" means the election of any member or members to serve on the Council;

"voter" means any person who has or claims to have a right to vote in the election of a member or members to serve on the Council.

Interpretation of Part III.

46. (1) Every person who—

- (a) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper;

Offences in respect of ballot papers and ballot boxes.

- (b) without due authority supplies any ballot paper to any person; or
- (c) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in; or
- (d) fraudulently takes out of the polling place any ballot paper; or
- (e) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purpose of the election,

shall be guilty of a misdemeanor and shall be liable, if he is a presiding officer, to a fine not exceeding £100 or, in default, to imprisonment for a term not exceeding two years and if he is another person to a fine not exceeding £25 or, in default, to imprisonment for a term not exceeding six months.

(2) In any indictment or other prosecution for an offence in relation to the ballot boxes and ballot papers at an election, the property in such boxes and papers may be stated to be in the presiding officer at such election as well as the property in the counterfoil.

Infringement of
secrecy.

47. (1) Every person in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting in such place and shall not communicate, except for some purposes authorised by law, before the poll is closed to any person any information as to the name or number on the register of any elector who has or has not applied for a ballot paper, or voted at that polling place, or as to the official mark, and no such person shall interfere with or attempt to interfere with an elector when marking his vote or otherwise attempt to obtain in the polling place information as to the candidate for whom any voter in such election is about to vote or has voted, or communicate at any time to any person any information obtained in a polling place as to the candidate for whom any voter in such polling place is about to vote or has voted, or as to the number on the back of the ballot paper given to any elector at such polling place.

(2) Every such person in attendance at the counting of votes shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain at such counting the number on the back of any ballot paper or communicate any information at such counting to the candidate for whom any vote is given in any particular ballot paper.

(3) No person shall directly or indirectly induce any elector to display his ballot paper after he shall have marked the same so as to make known to any person the name of the candidate for whom he has so marked his vote.

(4) Every person who acts in contravention of the provisions of this section shall be liable on summary conviction to a fine not exceeding £25 or, in default, to imprisonment for a term not exceeding six months.

Offence of bribery.

48. Every person who shall—

- (a) directly or indirectly, by himself or by any other person on his behalf, give, lend or agree to give or lend, or shall offer, promise or promise to procure or to endeavour to procure any moneys or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce any voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid on account of such voter having voted or refrained from voting at any election;

- (b) directly or indirectly, by himself or by any other person on his behalf, give or procure, or offer, promise or promise to procure or to endeavour to procure any office, place or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce any voter to vote, or refrain from voting, or shall corruptly do any such act as aforesaid on account of any voter having voted or refrained from voting at any election;
- (c) directly or indirectly, by himself or any other person on his behalf, make any such gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person in order to induce such person to procure, or endeavour to procure, the return of any person, to serve in the Council or the vote of any voter at any election;
- (d) upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procure or engage, promise or endeavour to procure, the return of any person to serve on the Council, or the vote of any voter at any election;
- (e) advance or pay, or cause to be paid, any money to or for the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any election, or who shall knowingly pay or cause to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election;

shall be deemed guilty of bribery and shall be punishable accordingly.

49. Every person who—

Offence of bribery
further defined.

- (a) being a voter, shall before or during any election directly or indirectly, by himself or by any other person on his behalf receive, agree or contract for any money, gift loan or valuable consideration, office place or employment for himself or any other person for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election;
- (b) shall, after any election, directly or indirectly by himself or any other person on his behalf, receive any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote, or to refrain from voting at any election,

shall also be deemed guilty of bribery and shall be punishable accordingly.

50. Any person who corruptly by himself or by any other person, either before, during or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing any meat, drink, entertainment or provision to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at the election, or on account of such person, or any other person having voted or refrained from voting or being about to vote or refrain from voting at such election, and every elector who corruptly accepts or takes any such meat, drink, entertainment or provision, shall be guilty of treating, and shall be punishable accordingly.

Offence of treating.

51. Every person who shall directly or indirectly by himself or by any other person on his behalf, make use of, or threaten to make use of any force, violence or restraint, or inflict or threaten the

Offence of undue
influence.

infliction by himself or by or through any other person of any temporal or spiritual injury, damage, harm or loss, or in any other manner practice intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting or on account of such person having voted or refrained from voting at any election, or who shall by abduction, duress or any fraudulent device or contrivance, impede, prevent or otherwise interfere with the free exercise of the franchise of any voter, or shall thereby compel, induce or prevail upon any voter, either to give or refrain from giving his or her vote at any election, shall be deemed to have committed the offence of undue influence and shall be punishable accordingly.

No cockades, etc., to be given.

52. No candidate before, during or after any election, shall in regard to such election, by himself or agent, directly or indirectly, give or provide to or for any person having a vote at such election or to or for any inhabitant of Stanley, any cockade, ribbon or other mark of distinction and every person so giving or providing shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £2.

Offence of personation.

53. (1) A person shall, for all purposes of the law relating to the Stanley Town Council elections, be deemed to be guilty of the offence of personation who at an election applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead or of a fictitious person, or who having voted once at any such election applies at the same election for a ballot paper in his own name.

(2) It shall be the duty of the returning officer to institute a prosecution against any person whom he may believe to have been guilty of personation, or of aiding, abetting, counselling or procuring the commission of the offence of personation by any person at the election for which he is returning officer.

(3) A person charged with the offence of personation under this section shall not be convicted or committed for trial except upon the evidence of not less than two credible witnesses.

Punishment of person convicted on indictment of corrupt practices.

54. (1) A person who commits any corrupt practice other than personation, or aiding, abetting, counselling or procuring the commission of the offence of personation, shall be guilty of a misdemeanour, and on conviction on indictment shall be liable to a fine not exceeding £200 or to imprisonment for a term not exceeding one year.

(2) A person who commits the offence of personation, or of aiding, abetting, counselling, or procuring the commission of that offence, shall be guilty of felony, and any person convicted thereof on indictment shall be liable to imprisonment for a term not exceeding two years.

ILLEGAL PRACTICES.

Certain expenditure to be illegal.

55. (1) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate, be made —

- (a) on account of the conveyance of electors to or from the poll, whether for the hiring of horses or vehicles or otherwise; or
- (b) to an elector on account of the use of any house, land, building or premises for the exhibition of any address, bill or notice, or on account of the exhibition of any address, bill or notice; or
- (c) on account of any committee room in excess of one.

(2) Subject to such exception as may be allowed in pursuance of this Ordinance if any payment or contract for payment is knowingly made in contravention of this section either before,

during or after an election, the person making such payment or contract shall be guilty of an illegal practice, and any person receiving such payment or being a party to any such contract, knowing the same to be in contravention of this Ordinance, shall also be guilty of an illegal practice.

Provided that where it is the ordinary business of an elector as an advertising agent to exhibit for payment bills and advertisements, a payment to or contract with such elector if made in the ordinary course of business, shall not be deemed to be an illegal practice within the meaning of this section.

56. (1) Subject to such exception as may be allowed in pursuance of this Ordinance, no sum shall be paid and no expense shall be incurred by or on behalf of a candidate at an election, whether before, during or after an election on account of or in respect of the conduct or management of such election, save that a sum may be paid and expense incurred not in excess of the maximum amount of £50.

Expenditure in excess of permitted maximum an illegal practice.

(2) Any candidate or agent of a candidate or person who knowingly acts in contravention of this section shall be guilty of an illegal practice.

57. A person guilty of an illegal practice in reference to an election, shall be liable on summary conviction to a fine not exceeding £100.

Punishment for illegal practice.

EXPENSES OF CANDIDATES.

58. (1) Every claim against any person in respect of any expenses incurred by or on behalf of a candidate at an election of a councillor on account or in respect of the conduct or management of such election shall be sent in within fourteen days after the day of the election, and if not so sent in shall be barred and not paid, and all expenses incurred as aforesaid shall be paid within twenty-one days after the day of election (or such later time as the Supreme Court, having regard to all the circumstances, may fix on the application of the candidate), and not otherwise, and any person who makes a payment in contravention of this section shall be guilty of an illegal practice, but if such payment was made without the sanction or connivance of the candidate, the election of such candidate shall not be void, nor shall he be subject to any incapacity under this Ordinance by reason only of such payment having been made in contravention of this section.

Claims for expenses incurred by or on behalf of candidates, how and when to be submitted.

(2) Subject to an extension of time which the Supreme Court is hereby authorised to grant on any grounds which the court shall deem reasonable, within twenty-eight days after the day of election of a councillor every candidate at such election shall send to the returning officer a return of all expenses incurred by such candidate or his agents on account of or in respect of the conduct or management of such election, vouched (except in the case of sums under £1) by bills stating the particulars and receipts, and accompanied by a declaration by the candidate made before a Justice in the form set out in the Seventh Schedule to this Ordinance, or to the like effect.

(Seventh Schedule).

(3) After the expiration of the time for making such return and declaration the candidate, if elected, shall not, until he has made the return and declaration (in this Ordinance referred to as the return and declaration respecting election expenses), sit or vote in the Council, and if he does so shall forfeit £50 for every day on which he so sits or votes to be recovered at the suit of the Colonial Secretary.

(4) If the candidate fails without reasonable excuse (the proof whereof shall lie on the person accused) to make the said return and declaration he shall be guilty of an illegal practice.

(5) The return and declaration sent in pursuance of this Ordinance to the returning officer shall be kept at his office, and shall at all reasonable times during the twelve months next after they are received by him be open to inspection by any person on the payment of the fee of one shilling, and the returning officer shall, on demand furnish copies thereof or of any part thereof at the price of two shillings for every seventy-two words.

(6) After the expiration of the said twelve months the returning officer may cause the return and declaration to be destroyed, or if the candidate so require shall return the same to him.

ELECTION PETITIONS.

Power to question election.

59. (1) An election may be questioned by an election petition on the ground -

- (a) that the election was wholly voided by general bribery, treating, undue influence or personation; or
- (b) that the election was voided by corrupt or illegal practices or offences against this part of this Ordinance committed at the election; or
- (c) that the person whose election is questioned was at the time of the election disqualified; or
- (d) that he was not duly elected by a majority of lawful votes.

(2) An election shall not be questioned on any of those grounds except by an election petition.

Election petitions to be heard by Supreme Court.

60. (1) Every election petition shall be heard by the Supreme Court and, subject to the express provisions of this Ordinance and any rules of court prescribed under the powers conferred by this section, every election petition shall, as nearly as circumstances admit, be presented, heard and determined according to the law for the time being in force in England with respect to municipal election petitions.

(2) After hearing an election petition, the Supreme Court shall deliver a report to the Governor.

(3) The Judge of the Supreme Court may make rules of court for regulating all matters relating to the presentation, hearing and determination of election petitions.

Presentation of petition.

61. (1) An election petition may be presented either by four or more persons who voted or who had a right to vote at the election or by a person alleging himself to have been a candidate at the election.

(2) Any person whose election is questioned by the petition, and any returning officer of whose conduct a petition complains, may be made a respondent to the petition.

Time within which petition must be presented.

62. (1) Subject to the other provisions of this section, an election petition shall be presented within twenty-one days after the day on which the election was held.

(2) An election petition complaining of the election on the ground of an illegal practice may be presented at any time before the expiration of fourteen days after the day on which the returning officer receives the return and declaration respecting election expenses of the candidate to whose election the petition relates. This subsection shall apply notwithstanding that the illegal practice is also a corrupt practice.

(3) An election petition, complaining of the election on the ground of any corrupt or illegal practice, and specifically alleging a payment of money or other act made or done since the election by

the candidate elected at such election, or by an agent of the candidate, or with the privity of the candidate, in pursuance or in furtherance of such corrupt or illegal practice may be presented at any time within twenty-eight days after the date of such payment or act, whether or not any other petition against that person has been previously presented or tried.

EXCUSE AND EXCEPTION FOR CORRUPT OR ILLEGAL PRACTICE.

63. Where, upon the trial of an election petition, the Court reports that a candidate at such election has been guilty by his agents of the offence of treating and undue influence, and illegal practice, or of any such offences, in reference to such election, and the Court further reports that the candidate has proved to the Court -

Report exonerating candidates in certain cases of corrupt and illegal practice by agents.

- (a) that no corrupt or illegal practice was committed at such election by the candidate or with his knowledge or consent, and the offences mentioned in the said report were committed without the sanction or connivance of such candidate; and
- (b) that all reasonable means for preventing the commission of corrupt and illegal practices at such election were taken by and on behalf of the candidate; and
- (c) that the offences mentioned in the said report were of trivial, unimportant and limited character; and
- (d) that in all other respects the election was free from any corrupt or illegal practice on the part of such candidate and of his agents,

then the election of such candidate shall not, by reason of the offences mentioned in such report, be void, nor shall the candidate be subject to any incapacity under this Ordinance.

64. Where, on application made, it is shown to the Supreme Court by such evidence as seems to the Court sufficient -

Power of Supreme Court to except innocent act from being illegal practice.

- (a) that any act or omission of a candidate at an election, or of any other agent or other person, would, by reason of being in contravention of any of the provisions of this Ordinance, be but for this section an illegal practice; and
- (b) that such act or omission arose from inadvertence or from accidental miscalculation or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith; and
- (c) that such notice of the application has been given as to the Court seems fit.

and under the circumstances it seems to the Court to be just that the said candidate, agent and person, or any of them, should not be subject to any of the consequences under this Ordinance of the said act or omission, the Court may make an order allowing such act or omission to be an exception from the provisions of this Ordinance which would otherwise make the same an illegal practice, and thereupon such candidate, agent or person shall not be subject to any of the consequences under this Ordinance of the said act or omission.

DISQUALIFICATION OF ELECTORS.

65. Any person who is convicted of any corrupt or illegal practices or is found by the report upon the trial of an election petition to have been guilty of a corrupt or illegal practice either by himself or if a candidate, through his agents, shall not be capable for a period of five years from the date of the conviction or report, as the case may be -

Disqualification upon corrupt or illegal practices.

- (a) of being registered as an elector or voting at any election of the Council; or

- (b) of holding office as a councillor, or justice of the peace, and if he holds such office, the office shall be at once vacated.

Prohibition of disqualified persons from voting.

66. Every person who, in consequence of conviction or of the report of the Supreme Court on an election petition has become incapable of voting at any election is prohibited from voting at any such election, and his vote shall be void and struck off on a scrutiny.

Hearing of person before he is reported guilty of corrupt or illegal practice.

67. Before a person, not being a party to an election petition nor a candidate on behalf of whom the seat is claimed by an election petition, is reported by the Supreme Court to have been guilty at an election of any corrupt or illegal practice, the Court shall cause notice to be given to such person, and if he appears in pursuance of the notice, shall give him an opportunity of being heard by himself and of calling evidence in his defence to show why he should not be so reported.

Offenders to be struck off register, etc.

68. Whenever it shall be proved before the Registration Officer that any person who is or claims to be placed on the list or register of voters, has been found guilty of corrupt or illegal practices either by conviction or by the report of the Supreme Court at an election petition, the Registration Officer shall, in case the name of such person is in the list of voters, expunge the same therefrom, or shall, in case such person is claiming to have his name inserted therein, disallow such claim; and the names of all persons whose names shall be so expunged from the list of voters, and whose claims shall be so disallowed, shall be thereupon inserted in a separate list, to be entitled "The List of Persons disqualified for corrupt or illegal practices" which last-named list shall be appended to the list or register of voters, and shall be printed and published therewith, wherever the same shall be or is required to be printed or published.

PART IV.

GENERAL POWERS AND DUTIES OF COUNCIL.

TRANSACTION OF BUSINESS.

Meetings.

69. The Council shall meet for the despatch of business as often as they shall think fit, being not less than once a month.

Quorum.

70. At every meeting of the Council four members shall form a quorum. Every question shall be decided by the votes of a majority of those present and voting on that question, and in case of an equal division of votes, the Chairman shall have a second or casting vote. The Council shall cause all their proceedings to be recorded in a book to be kept for that purpose and such proceedings shall at every meeting be signed by the Chairman.

Council not disqualified by reason of vacancies.

71. The Council shall not be disqualified for the transaction of business by reason of any vacancy among the councillors.

Appointment of committees.

72. The Council may appoint from among themselves committees consisting of not less than three, of whom the Chairman shall always be one. Every such committee shall have power, until the first day of January next following or such sooner day as the Council may determine, to transact the ordinary business for which they may be appointed;

Provided always that it shall not be lawful for any committee —

- (a) to make any rate or assessment; or
(b) to make or enter into any contract hereby, or by any law in force in the Colony, required to be in writing; or

- (c) to appoint or to remove any officer or servant employed by the Council; or
(d) to make or to revoke any by-law; or
(e) to commence any suit or action or other proceeding in the Supreme Court, or to give notice of appeal; or
(f) to make or to revoke any order appointing an officer to be rated and assessed, by the name of his office.

73. At every meeting of a committee two of their number shall be a quorum. Every question shall be decided in like manner as at a meeting of the Council, except that every question as to which the voices are equal shall be deemed to be passed in the negative. They shall cause all their proceedings to be recorded in a book, which shall be kept and signed in like manner as that relating to the proceedings of the Council and shall submit their proceedings to the Council at every meeting next thereafter.

How committee may proceed.

74. (1) A committee shall be appointed to administer moneys voted by the Council for Poor Relief and it shall be entitled the Public Assistance Committee.

Public Assistance Committee.

(2) Provided that at least two-thirds of the committee are members of the Council, the Public Assistance Committee may include persons who are not members of the Council and at least one of these persons shall be a woman.

Members may be co-opted.

(3) Subject to the provisions of Section 72 of this Ordinance the Council may delegate to the Committee any or all of its functions relative to Poor Relief.

Delegation of functions by Council.

(4) With the authority of the Council as provided in subsection (3) or with special authority referring to specified cases which have previously been submitted to the Council, the Public Assistance Committee may institute proceedings before a Court of Summary Jurisdiction against persons who are liable to maintain those relatives who are within the degrees of relationship recognised for that purpose by the laws of England for the time being in force to compel them to maintain such relatives or to contribute to their maintenance.

Relatives may be sued.

(5) The Public Assistance Committee may be represented in such proceedings by one of their members appointed for the purpose by the Committee.

Representation of P.A.C. in Court.

75. (1) Subject to the approval of the Governor, the Council may make standing orders for the regulation of the proceedings and business of the Council and any of their committees.

Standing orders.

(2) Notwithstanding the provisions of this or any other law, it shall not be necessary to publish in the Gazette any standing orders of the Council.

76. In all legal proceedings before any court the Council may be represented by their Secretary.

Representation in legal proceedings.

77. Every order and certificate to be made by the Council shall be in writing under their common seal and the hand of their Chairman, and every return, report and recommendation shall be in writing and signed by the Secretary to the Council by order of the Council.

Orders of Council how made.

78. The Council shall whenever required by the Governor make a true and correct report to the Governor of any legal proceedings taken under this or any other Ordinance, together with all such remarks relating to such proceedings as the Council may think fit to make.

Report of legal proceedings.

PURCHASES AND CONTRACTS.

Purchase of carts,
draught animals etc.

79. The Council may purchase, hire or possess carts, carriages and other machines, and all necessary implements, horses and other animals of draught.

Power of Council to
contract.

80. The Council may enter into any contracts necessary for carrying this or any other Ordinance into execution. All such contracts shall be for any period not exceeding two years.

Contracts and pur-
chases in the United
Kingdom how to be
made.

81. All contracts made by the Council in the United Kingdom, and all articles obtained by them in the United Kingdom, shall be made and obtained through the Crown Agents for the Colonies.

No councillor or his
partner to enter into
contract with Council.

82. No councillor or person being in partnership with a councillor shall be capable of entering into any contract for the supply of any goods to the Council, or for the execution of any works undertaken by the Council, unless the approval of the Governor shall have first been obtained in writing.

Penalty for so doing.

83. If any councillor, or any partner of any councillor, shall wilfully enter into any contract for the supply of any goods to the Council, or for the execution of any works undertaken by the Council, except as provided for in the preceding section, he shall be liable to pay a penalty not exceeding £50 for every day on which he shall so wilfully enter into any such contract, or during which any such contract, if so entered into, shall subsist.

POWER TO MAKE BY-LAWS.

No by-law valid
unless approved by
the Governor and
published.

84. Every by-law authorised to be made by the Council shall be made under the common seal of the Council and the hand of their Chairman, and dated on the day of the making thereof and no such by-law shall have any force of effect unless the Governor shall, within six weeks thereafter, signify his approbation thereof under his hand and seal thereto. Such approbation, if given, shall be published by the Council in the Gazette.

To be enrolled.

85. Every by-law shall, within three days after publication of the same, be enrolled in the Supreme Court.

Examined copy to be
conclusive evidence.

86. An examined copy of the enrolment of any by-law, certified under the seal of the Supreme Court and the hand of the Registrar shall be conclusive evidence in all courts, and in all legal proceedings, and to all intents and purposes that such by-law was duly made.

No by-laws to be
questioned till
annulled.

87. Every by-law lawfully made by the Council shall, after publication thereof as aforesaid, be good, valid and effectual to all intents and purposes, and such by-law shall not be impeached, impugned, questioned or disobeyed by any court, or justice, or by any person whatever, until the same shall have been repealed, or otherwise lawfully annulled.

Provided always, that nothing hereinbefore contained shall apply to any legal or other authorised proceeding bona fide instituted or taken for the express purpose of causing any such by-law to be repealed, or otherwise lawfully annulled.

Breach of by-law an
offence.

88. Unless any other penalty be specially provided, every person who shall without lawful excuse, the proof whereof shall lie on the person charged, break or disobey, or neglect, or refuse to obey any by-law duly in force shall be liable to a penalty not exceeding £5.

By-laws may be print-
ed and sold.

89. The Council may cause to be printed, and may keep a sufficient number of printed copies of all their by-laws, and may upon payment of a reasonable sum for the same, sell copies thereof

to any person who may apply for the same.

90. The Governor, whenever requested so to do by the Council, may cause to be prepared a draft of any by-law hereby authorised, and cause such draft to be transmitted to the Council for their consideration.

Preparation of
by-laws.

PART V.

APPOINTMENT AND DUTIES OF OFFICERS.

91. Subject to the proviso hereinafter mentioned, the Council may appoint, employ, and fix the salaries of all such persons as may be necessary to enable them to exercise and carry into effect the powers and authorities created by this or any other Ordinance. Provided always that whenever the salary proposed to be attached to any appointment shall exceed £150 per annum, such appointment shall be subject to the approval and confirmation in writing of the Governor, who shall also approve the amount of the salary to be attached thereto.

Council may appoint
officers and servants
subject to Governor's
approval.

92. The Council shall appoint, during pleasure, the consent in writing of the Governor being first obtained, some persons to be sanitary inspectors and every sanitary inspector shall by virtue of his office be and exercise the powers of a constable under the orders and direction of the Council.

Appointment of
sanitary inspectors
who shall be
constables.

93. The Council shall appoint collectors who shall be authorised to levy and collect the rates and other moneys which the Council are authorised to receive, and who shall be entitled to such salary or remuneration as the Council may fix and determine.

Appointment of
collectors.

94. With the approval of the Governor, the Council may appoint suitable persons to be Secretary and Treasurer to the Council at such remuneration as may be fixed by the Governor or if the Council shall think fit they may in like manner appoint one person to carry out the duties of both Secretary and Treasurer.

Appointment of Sec-
retary and Treasurer
to the Council.

95. The Governor shall appoint and may remove a duly registered medical practitioner to be Medical Officer of Health, who shall execute all the duties of an Officer of Health and such other similar duties as may be required of him by the Governor or by the Council with the written approbation of the Governor.

Appointment of
Medical Officer of
Health.

96. Should at any time the Executive Engineer to the Government not be a member of the Council, the Council may appoint an Engineer, and, subject to the provisions of this Ordinance, may pay him such salary as they may think proper out of the rates.

Appointment of
Engineer.

Provided that in these circumstances the Governor may require that the execution of any works undertaken by the Council of which the cost is partly provided for from Imperial funds or from the general revenues of the Colony, or from both of those sources, shall be carried out under the supervision of the Executive Engineer, but the rates shall not be charged with any remuneration payable in respect of such supervision to the Executive Engineer.

97. The Government Auditor, or in the absence of such an appointment, such other officer as may be nominated by the Governor shall be the auditor of the Council's accounts, and in all legal or official proceedings, correspondence, or written instruments, he may be described as the Town Council Auditor without naming him, except in any legal or official proceedings had or taken by or against him, or in any instrument to which he shall be a party.

Auditor of the
Council's accounts.

98. The Council shall pay to the Government out of the rates such annual sum as may from time to time be agreed upon

Cost of audit.

between the Governor and the Council as a proper charge for auditing the Council's accounts.

When Deputy may be appointed by Council.

99. In the case of sickness, temporary absence, or other inability of any officer or servant of the Council, or other person charged with the performance of any duty under this Ordinance, the Council or, in the case of a civil servant, the Governor may appoint a deputy in the place of such officer, servant or other person, and every such deputy shall perform all the duties, and be subject to all the liabilities of the officer, servant or other person in whose place he may be appointed.

Officers not to contract with the Council.

100. (1) Officers or servants appointed or employed by the Council shall not in anywise be concerned or interested in any bargain or contract made with the Council.

(2) If any such officer or servant is so concerned or interested, or, under colour of his office or employment, exacts or accepts any fee or reward whatsoever other than his proper salary, wages and allowances, he shall be incapable of afterwards holding or continuing in any office or employment under the Council, and shall forfeit and pay the sum of £50, which may be recovered by any person, with full cost of suit, by action of debt.

Officers entrusted with money to give security.

101. Before any officer or servant of the Council enters on any office or employment under this or any other Ordinance, by reason whereof he will or may be entrusted with the custody or control of money, the Council shall take from him sufficient security for the faithful execution of such office or employment, and for duly accounting for all moneys, which may be entrusted to him by reason thereof, in such amount and with such sureties as the Governor shall in writing direct.

Officers to account.

102. (1) Every officer or servant appointed or employed by the Council shall, when and in such manner as may be required by the Council, make out and deliver to them, a true and perfect account in writing of all moneys received by him on behalf of the Council, stating how, and to whom, and for what purpose such moneys have been disposed of, and shall, together with such account, deliver the vouchers or receipts for all payments made by him and pay over to the Council all moneys owing by him on the balance of accounts.

(2) Every such officer or servant employed in the collection of any rate shall, within seven days after he has received any moneys on account of any such rate, pay over the same to the Council, and shall, as and when the Council may direct, deliver a list signed by him and containing the names of all persons who have neglected or refused to pay any such rate, and the sums respectively due from them.

Summary proceedings against defaulting officers.

103. (1) If any officer or servant appointed or employed by the Council -

- (a) fails to render accounts, or to produce and deliver up vouchers and receipts, or to pay over any moneys as and when required by this Ordinance; or
- (b) fails within twenty-four hours after written notice in that behalf from the Council to deliver up to the Council all books, papers, writings, property and things in his possession or power, relating to the execution of this or any other Ordinance, or belonging to the Council,

the Council may cause a complaint to be made to a Justice, and such Justice shall thereupon summon the party charged to appear before a Court of Summary Jurisdiction.

(2) On the appearance of the party charged, or on proof

that the summons was personally served on him, or left at his last known place of abode or business, if it appears to the Court that he has failed to render any such accounts, or to pay over such moneys, or to produce or deliver up any such vouchers or receipts, books, papers, writings, property or things as aforesaid in accordance with the provisions of this Ordinance, and that he still fails or refuses so to do, the Court may commit the offender to gaol, there to remain without bail until he has rendered such accounts, paid over such moneys, and produced and delivered up all such vouchers, receipts, books, papers, writings, property and things in respect of the charge was made.

Provided that a person shall not be imprisoned under this section for a term exceeding six months.

(3) No proceedings under this section shall be construed to relieve or discharge any surety of the offender from any liability whatever.

104. (1) The provisions of the Provident Fund Ordinance and any subsequent amendment thereof, together with any regulations made or which may hereafter be made under that Ordinance shall apply to all officers and servants of the Council.

Pensions.

PART VI.

PUBLIC WORKS, Etc.

105. In this part of this Ordinance, unless the context otherwise requires, -

Interpretation of Part VI.

"Capital" means -

- (a) every sum of money which the Council may be authorised to raise for any public purpose; and
- (b) all moneys which under any enactment have been granted or which at any time hereafter may be granted to the Council for any public purpose out of moneys provided by the Legislative Council, or from the general revenues of the Colony, and all other moneys which shall be payable to the Council, or come into their hands, and be applicable to the same purposes as capital which they may be authorised to raise;

"to construct" with all the moods, conjunctions and tenses thereof includes in addition to its ordinary signification to build, execute, erect, place, lay, fix, provide, enlarge, deepen, vary, alter, renew, supply and complete;

"expenses" include costs and charges;

"lands" and "premises" includes messuages, buildings, lands, easements and hereditaments of any tenure, whether the property of His Majesty or of any person whomsoever, whether built on or not, and whether public or private, enclosed or unclosed;

"public highway" means any street, road, lane, passage, alley, steps, stairs or public place;

"public purpose" includes every purpose which the Council is authorised to effect, the cost of effecting which is chargeable, wholly or in part, against capital or against any rates, tolls, rents, dues or other moneys which the Council may be authorised or enabled to levy, take, have, receive or recover;

"public works" include all existing works, buildings and other constructions which are by this or any other Ordinance vested in the Council and all works, buildings and other constructions

which they may be authorised by this or any other Ordinance to construct and provide and such other works of a public nature, whether paid for out of Town Council funds or not, as the Governor may, by notice in the Gazette, declare to be public works.

GENERAL.

Public works requiring Governor's sanction.

106. No public work or purpose of any kind, the cost of which is not intended to be defrayed out of the revenues provided in the estimates for the current year, and for which it may be necessary to raise capital shall be undertaken or executed by the Council without the previous consent in writing of the Governor.

Estimate of cost of public works.

107. Whenever any such public work or purpose is proposed to be undertaken by the Council, they shall submit to the Governor for his approval, accompanied when necessary by a map or plan, a report stating their reasons for desiring to undertake the same and an estimate of the cost of the execution thereof, and a financial scheme for the payment of such cost. Such estimate shall include, when necessary, an estimate of the probable annual expenditure, including redemption of capital and interest thereon, to be occasioned by the execution of such public work or purpose.

Governor may authorise public works.

108. The Governor may, if he shall think fit, authorise in writing the execution by the Council of any such public work or purpose and the raising for such purpose of the amount of capital necessary therefor.

When estimates to be published.

109. The estimates of any public work, the cost of which shall exceed £500, shall be published for general information in the Gazette not less than ten days before being submitted for the approval of the Governor.

Capital to include cost of estimates, surveys, etc.

110. The Council may include in, and raise as part of, capital their expenses in making and preparing all necessary estimates, surveys, valuations and plans, for any public work, and in procuring contracts for the same. Provided that an account thereof shall have been duly rendered to the Town Council Auditor and certified by him to be correct within three months after the estimates for such public work shall have been approved.

How construction of works may be suspended or abandoned.

111. The Council, with the consent in writing of the Governor, may abandon or suspend the construction of any public works or of any part thereof which shall not then be completed. The Council shall clearly describe the works so abandoned or suspended or intended so to be and shall forthwith cause notice of the same and the Governor's approbation thereof to be published in the Gazette and thereupon their powers and liabilities relating thereto shall cease or be suspended accordingly.

Suspended works may be sold or completed in different manner with consent of Governor.

112. The Council may also determine that it is expedient that they should sell or complete in a different manner or for a different purpose to be stated in writing and described in plan, any public works or any part thereof, the construction or completion whereof shall have been abandoned or suspended as aforesaid, and thereupon the Governor may authorise the Council in writing to sell or complete the same accordingly, and notice thereof, without the plan, shall be published in the Gazette. The proceeds of any sale shall be carried to the credit of the capital account.

Completed work and expenditure to be certified to Governor.

113. Whenever the Council shall have completed any public work authorised by the Governor under this Ordinance and for which capital shall have been raised, or so much of the work the construction whereof shall not have been abandoned or suspended in manner hereinbefore provided, the Council shall certify such completion to the Governor and shall at the same time transmit an account in duplicate of the expenditure relating thereto.

114. The Governor shall cause such account to be transmitted to the Town Council Auditor, who shall examine and audit the same, and the Governor if he shall be satisfied that such works have been satisfactorily completed, and the accounts thereof duly audited, shall certify to the Council his approbation thereof, and shall cause such certificate to be published in the Gazette. Such public works shall thereupon become vested in and be under the control and management of the Council.

Account to be certified by Governor after audit.

115. The Council shall insure against fire in some insurance office, at not less than two-thirds of the value thereof, all public works and property vested in or under their control and management, or in their possession or occupation, and which from the nature thereof may be liable to destruction by fire, and also all the furniture, fixtures, matters and things therein, and shall pay the premium and other expenses of every such insurance out of the general rate or out of such other moneys under the control of the Council to which such premiums and expenses may be more properly chargeable.

Public works to be insured against fire.

COUNCIL OFFICES.

116. The Council, with the consent in writing of the Governor, may construct, purchase or otherwise acquire, all such offices as they may determine to be necessary for the purpose of this or any other Ordinance, and to enable them to carry the same into effect, and may provide suitable furniture and fittings therein, and may for such purposes raise such sum as they may deem necessary, and as may be sanctioned by the Governor in writing, and shall apply the same in the payment of the expenses incurred by them under this section.

Council may construct offices.

117. For the purposes aforesaid, and for all other purposes which may be authorised by this or any other Ordinance, the Governor may from time to time in accordance with the provisions of the Land Ordinance grant to the Council at such rent, payable to His Majesty, as may be reserved, permission to use any Town Land site, house or building, the property of His Majesty, together with all easements appertaining thereto for such term and upon such conditions as he may think fit.

Governor may grant necessary sites.

118. Every site, house, office and building, together with all easements appertaining thereto, which, or permission to use which, shall be granted by the Governor, and all such offices, and all furniture, fixtures, fittings, matters and things therein, shall be vested in, and under the control and management of the Council.

Offices, etc., to vest in Council.

PART VII.

GENERAL FINANCIAL PROVISIONS.

119. In this part of this Ordinance, unless the context otherwise requires, -

Interpretation of Part VII.

"capital" means -

- (a) every sum of money which the Council may be authorised to raise for any public purpose; and
- (b) all moneys which under any enactment have been granted or which at any time hereafter may be granted to the Council for any public purpose out of moneys provided by Parliament, or from the general revenues of the Colony, and all other moneys which shall be payable to the Council, or come into their hands, and be applicable to the same purposes as capital which they may be authorised to raise;

"expenses" include costs and charges;

"public purpose" includes every purpose which the Council are

authorised to effect, the cost of effecting which is chargeable, wholly or in part, against capital or against any rates, tolls, rents, dues or other moneys which the Council may be authorised or enabled to levy, take, have, receive or recover;

"public works" include all existing works, buildings and other constructions which are by this or any other Ordinance vested in the Council and all works, buildings and other constructions which they may be authorised by this or any other Ordinance to construct and provide and such other works of a public nature, whether paid for out of Town Council funds or not, as the Governor may, by notice in the Gazette, declare to be public works.

REVENUE AND EXPENDITURE.

Treasury account.

120. An account shall be opened in the Colonial Treasury and all moneys received by the Council shall be paid into such account.

Salaries, etc. how to be paid.

121. The salary, wages or other remuneration of every person lawfully appointed by the Council for the purpose of discharging any duty under this or any other Ordinance shall be deemed and taken to be part of the expenses of the Council and shall be paid out of the proper moneys which may be received by them for that purpose, and shall be entered into the proper account.

Costs of Council in legal proceedings.

122. All costs which the Council or their officers, or any constables acting in the execution of this or any other Ordinance may incur or be ordered by any court to pay in any legal proceedings shall be part of their lawful expenses, and shall be paid out of the general revenues of the Council unless the Court shall adjudge their conduct or any complaint or any ground of appeal or the defence against any ground of appeal to have been frivolous and vexatious or that they have wilfully neglected or refused to obey an order of the Court, in any of which cases the Court may make such orders as to costs as it shall think fit, and the Council and their officers or any such constables shall not be entitled to be reimbursed such costs out of any moneys that shall be raised or received by them under this or any other Ordinance or by virtue of their office.

Authority for expenditure on entertainment.

123. (1) The Council may expend in any one year ending on the 31st day of December a sum not exceeding £25 in the entertainment of visiting warships (including those of foreign powers), the public reception and entertainment of distinguished visitors and on such other ceremonial occasions as the Council may deem proper for official entertainment.

(2) All sums so expended by the Council shall be deemed to be expenses lawfully incurred by the Council and shall be charged and defrayed accordingly.

ACCOUNTS.

Accounts, how to be kept.

124. The Council shall cause their accounts to be kept according to a system of book-keeping, approved by the Colonial Secretary, and in the denomination of the legal currency of Stanley for the time being, and such books shall contain and include a full and distinct account of all expenses, disbursements, and liabilities of the Council and of all moneys by them received or receivable, and of all moneys by them paid or payable.

Capital account.

125. The Council shall cause a separate and distinct account, to be called the capital account to be kept of all receipts and disbursements of any capital which the Council may raise or receive for any purpose in such manner as the Governor shall in writing direct and, so far as such directions shall not extend, they shall keep such capital account according to a system of book-keeping approved by the Colonial Secretary.

126. The Council shall cause to be included in such capital account an account of all moneys which heretofore have been or at any time hereafter may be granted to the Council out of moneys provided by the Legislative Council, and out of general revenues of the Colony, and of all other moneys which shall be payable to them or come into their hands, and be applicable to the same purposes as capital which the Council may raise.

127. The Council shall also cause to be kept separate and distinct accounts of the appropriation of all moneys which they may raise or receive for the purpose of constructing, purchasing or otherwise acquiring any public work.

128. The Council shall, during the month of September in every year, prepare an estimate, certified under the hand of their Secretary of their probable receipts and expenses during the following year, in the same form as the abstracts of accounts which they are hereby required to prepare and deliver to the Town Council Auditor, and shall publish the same in the next Gazette.

129. All moneys which the Council shall receive under this or any other Ordinance, otherwise than as capital or for any specific purpose under this or any other Ordinance, shall be duly accounted for and applied in aid of the rates.

130. The Council may make by-laws, -

- (a) for regulating the manner in which their accounts shall be kept, subject nevertheless to the provisions contained in this or any other Ordinance; and
- (b) for regulating the application of the balance of any capital which shall have been raised by them for any purpose under this or any other Ordinance, and which may remain in their hands and not be required for such purpose.

AUDIT OF ACCOUNTS.

131. (1) The Council, and every person having the collection, receipt or expenditure of money payable to or receivable by the Council, or holding or accountable for any balance of such money, or any books, deeds, papers, goods or chattels relating to the duties of the Council, shall once in every quarter of a year make out and render to the Town Council Auditor an abstract of account of all moneys, matters and things committed to their charge, or received, held, expended or applied by them or him on their behalf.

(2) Before the first day of March in every year, the Council shall prepare and deliver to the Town Council Auditor an abstract of every account hereby required to be kept containing the amount of the income and expenditure in each of such accounts in respect of the year ended 31st December immediately previous together with the General Balance Sheet as at that date.

(3) The Town Council Auditor shall complete the examination of such accounts within ninety days of the receipt thereof by him and shall deliver them to the Council certified by him and if he shall fail to do so within such period, the Council may notify the Governor accordingly.

(4) The Council shall within thirty-one days after the completion of the audit publish every such abstract in the Gazette.

132. The following regulations with respect to audit shall be observed -

- (a) For the purpose of any audit, the Town Council Auditor may require the production before him of

Accounts of money raised, etc.

Annual estimates of probable expenses in following year.

Receipts (other than capital etc.), how to be applied.

By-laws as to manner of keeping accounts and disposal of capital.

Accounts of Council and collectors.

Audit of accounts, regulations governing.

all books, deeds, contracts, accounts, vouchers, receipts and other documents and papers which he may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, receipts, documents or papers to appear before him at any such audit or any adjournment thereof, and to make and sign a declaration as to the correctness of the same. If any such person neglects or refuses so to do, or to produce any such books, deeds, contracts, vouchers, accounts, receipts, documents or papers, or to make or sign such declaration, he shall be guilty of an offence and shall be liable on summary conviction for every such neglect or refusal to a penalty not exceeding £2.

- (b) The Town Council Auditor shall disallow every item of account contrary to law, and surcharge the same on the person making or authorising the making of the illegal payment, and shall charge against any person accounting the amount of any deficiency or loss incurred by the negligence or misconduct of that person, or of any sum which ought to have been but is not brought into account by that person, and in every such case the Town Council Auditor shall cause notice of his intention to make such surcharge to be given to such person, and shall adjourn the audit so far as it relates to such particular matter for a sufficient time to allow of such person appearing before him and showing cause against such surcharge; and at such time the Town Council Auditor shall hear such person and determine according to the law and justice of the case, and thereupon certify the amount, (if any) due from such person. Provided that the Town Council Auditor shall not disallow any payment or liability made or incurred by the Council under any order of the Supreme Court, or with the previous authority of the Governor in manner hereinafter mentioned.
- (c) On application by any person who deems himself aggrieved, the Town Council Auditor shall state in writing the reasons for his decision in respect of such disallowance or surcharge, and that person may apply to the Supreme Court by motion in a summary way for an order directing the Town Council Auditor to allow an item that may have been disallowed by him; and the Court, upon proof of notice to the Town Council Auditor and to all such other persons (if any) as it may think entitled to notice, may make such order with respect to such disallowance and surcharge as to costs as may appear to it just and reasonable, and if it shall find that the said disallowance or surcharge was lawfully made, but that the subject-matter thereof was incurred under circumstances that make it fair and equitable that the disallowance or surcharge should be remitted, the Court may remit the same, and the Town Council Auditor shall govern himself accordingly.
- (d) Every sum certified to be due from any person by the Town Council Auditor shall be paid by such person to the Council within fourteen days after the same has been so certified (unless there is an appeal against the decision) and the Town Council Auditor shall, if necessary, proceed for the recovery thereof in the Supreme Court if the amount shall exceed £5, or in a summary manner if the amount shall not exceed such sum. All expenses incurred by the Town Council Auditor in such proceeding as aforesaid,

which shall not be recovered by him from any other person, shall be paid by the Council out of the rates.

133. The accounts of officers or assistants of the Council who are required to receive moneys or goods on behalf of the Council shall be audited by the Town Council Auditor with the same powers, incidents and consequences as in the case of such last-mentioned accounts.

Audit of accounts of officers.

134. The Governor may upon application made to him in that behalf, remit any surcharge upon any councillor or other person if he shall be satisfied that the payment or liability surcharged was made or incurred bona fide for the purpose of carrying into effect or performing the powers and duties vested in or imposed upon the Council, and that such payment or liability was made or incurred for the public advantage, and the Town Council Auditor shall govern himself accordingly.

Governor may remit any surcharge.

135. In all doubtful cases or upon any emergency, or in cases for which no provision has been made by law, the Council shall before making any payment or incurring any liability apply to the Governor for his authority to make such payment or incur such liability, and the Governor may, if he shall think fit, authorise in writing the expenditure of any sum of money or the incurring of any liability by the Council for the purpose of carrying into effect or performing the duties imposed upon them, notwithstanding that no provision may have been made by law for such expenditure or for incurring such liability.

Council to apply to the Governor in doubtful cases, to authorise expenditure.

136. The Council, whenever desired by the Governor, shall submit its books of account and all documents in its possession for the special examination by any person or persons appointed as a committee for the purpose by the Governor, and shall furnish all such information connected with its affairs as may be required by such committee.

Council to submit books for examination when required by Governor.

137. The map of Record shall be authenticated by the signature of the Colonial Secretary and all disputes as to the boundaries of the wards shall be conclusively settled by reference thereto.

Map of Record.

138. In this Ordinance "Stanley" means— the area comprehended in the three Wards defined in the First Schedule and shown on the Map of Record.

Definition of Stanley.

139. Notwithstanding any other provision in this Ordinance the Governor in Council may from time to time make such orders as may be deemed necessary to carry out the purpose and intent of this Ordinance.

Special Powers of Governor.

FIRST SCHEDULE.

Sections 4 and 138.

BOUNDARIES OF WARDS.

1. The Northern boundary of all wards on the South side of Stanley Harbour and the Southern boundary of that part of the Centre Ward which lies on the North side of Stanley Harbour shall be the upper limit of the foreshore.

Provided that all hulks, jetties and sheds projecting into Stanley Harbour beyond the upper limit of the foreshore be deemed to be part of the ward from which they so project.

2. The West Ward shall be bounded –

on the West by a line about three hundred and thirty yards in length from a point on the upper limit of the foreshore two hundred and fifty yards West of the West side of Sullivan House Jetty and running in an approximately Southerly direction along the line of the fence now dividing Crown Land on the East of the fence from land in the possession of the Falkland Islands Company on the West of the fence and continued beyond the end of the said fence until the boundary meets the fence hereinafter called the second fence which runs approximately East and West on the North face of the Murray Heights;

on the South by the line of the second fence from the point where the Western Boundary of the West Ward meets it, thence towards the East to the South-East corner of the Golf Course, thence in a Southerly direction to the South-West corner of the enclosure known as "Bonner's Paddock" this corner being marked with a concrete post bearing the number "I" on the top and being marked on the Map of Record as a triangular survey sign and with the number "I", thence to a point opposite the middle line of Brisbane Road by a straight line running from the corner numbered "I" to the South-East corner of the enclosure known as "Dettleff's Paddock", the last mentioned corner being marked with a concrete post bearing the number "II" on the top and being marked on the Map of Record by a triangular survey sign and the number "II";

on the East by a line running in a Northerly direction from the point on the Southern boundary opposite the middle line of Brisbane Road and along the middle line of Brisbane Road to the middle line of Drury Street, thence in a Westerly direction along the middle line of Drury Street to a point opposite the middle line of Barrack Street, thence in a Northerly direction along the middle line of Barrack Street to the middle line of Ross Road and thence to a point in line with the East fence of the Deanery, and thence North to the foreshore.

The West Ward is shown in Blue on the Map of Record.

The Centre Ward shall be bounded –

on the West by the East boundary of the West Ward;

on the South from the point at which the East boundary of the West Ward meets the aforesaid straight line running from the corner numbered "I" to the corner numbered "II" and by that line to a point opposite the middle line of Dean Street;

on the East, from the last named point, in a Northerly direction along the middle line of Dean Street to a point on the middle line of Fitzroy Road, thence in an Easterly direction on the middle line of Fitzroy Road to a point in line with the Eastern fence enclosing the Globe Hotel. Thence to the North end of the last mentioned fence and thence to the foreshore at a point on the East side of the Public jetty.

The Centre Ward shall include all lands on the North side of Stanley Harbour in occupation of the Crown or the Admiralty, being those lands to the East of the fence running North and South and distant approximately eight hundred and fifty yards East of the summit of Cortley Hill.

The Centre Ward is shown in Red on the Map of Record.

The East Ward shall be bounded –

on the West by the Eastern boundary of the Centre Ward;

on the South by the straight line running from the corner numbered "I" to the corner numbered "II" from the point at which it is joined by the East boundary of the Centre Ward to the corner numbered "II" and thence in a straight line running approximately ENE.½E. to the Southern Leading Mark for the entrance to Stanley Harbour;

thence North to the foreshore.

The East Ward is shown in Green on the Map of Record.

SECOND SCHEDULE.

Section 5 (2).

RULES FOR PREPARING REGISTER OF ELECTORS.

1. The register shall be framed in separate parts for each registration unit, and the registration unit shall be the ward. The names in the register shall be arranged in street order. Arrangements of register.

2. It shall be the duty of the Registration Officer to cause a house or other sufficient enquiry to be made and to prepare, or cause to be prepared, lists for each registration unit of all persons appearing to be entitled to be registered as electors and to publish those lists in the form in which the register is to be framed. The Registration Officer shall at the same time publish a notice specifying the mode in which, and the time within which, claims and objections are to be made under these rules. Preparation of Lists.

3. Any person who claims to be entitled to be registered as an elector and who is not entered, or is entered in an incorrect manner or with incorrect particulars on the electors' list may claim to be registered or to be registered correctly by sending to the Registration Officer a claim on or before the first day of September. The claim shall contain a declaration of the qualification of the claimant to be registered accordingly, including a declaration that the claimant has attained the required age and is a British subject. Claims to be registered.

4. The Registration Officer shall, as soon as practicable after receiving any notice of objection to the registration of any elector, send a copy of the notice to the person in respect of whose registration notice of objection is given. Notices of objections.

5. The Registration Officer shall, as soon as practicable, consider all objections of which notice has been given to him in accordance with these rules, and for that purpose shall give at least five clear days' notice to the objector and to the person in respect of whose registration the notice of objection has been given, of the time and place at which the objection will be considered by him. Consideration of objections.

6. The Registration Officer shall also consider all claims of which notice is given to him in accordance with these rules, and in respect of which no notice of objection is given and, if he considers that the claim may be allowed without further enquiry, shall give notice to the claimant that his claim is allowed. If the Registration Officer is not satisfied that any such claim can be allowed without inquiry, he shall give at least five clear days' notice to the claimant of the time and place at which the claim will be considered by him. Consideration of claims.

Supplemental powers on consideration of claims and objections.

7. If on the consideration of any claim or objection it appears to the Registration Officer that the claimant, or person in respect of whose name objection is taken, is not entitled to be entered on the register in the character in which he claims to be registered or in which he is entered on the list, but is entitled to be entered on the register in another character or in another place on the register, the Registration Officer may decide that the name of that person shall be so entered on the register.

Publication of register.

8. It shall be the duty of the Registration Officer to publish the register not later than the 1st day of October by publishing in the Gazette a notice that a copy of the register is open to inspection at his office during specified hours whereupon the Registration Officer shall keep a copy of the register open for inspection in his office, and shall arrange for copies to be posted for inspection at the Post Office and shall also transmit a copy of the register, as soon as he may after it is published, to the Colonial Secretary.

Appeals from Registration Officer.

9. (1) A person desiring to appeal against the decision of a Registration Officer must give notice of appeal on the form supplied by the Registration Officer and to the opposite party (if any), when the decision is given or within five days thereafter, specifying the grounds of appeal.

(2) The Registration Officer shall forward any such notices to the Clerk of the Court together, in each case, with a statement of the material facts which, in his opinion, have been established in the case, and of his decision upon the whole case and on any point which may be specified as a ground of appeal, and shall also furnish any further information which the Court may require and which he is able to furnish.

(3) Where it appears to the Registration Officer that any notices of appeal given to him are based on similar grounds, he shall inform the Clerk of the Court of the fact for the purpose of enabling the Court (if the Court thinks fit) to consolidate the appeals or select a case as a test case.

Documents, how they shall be published.

10. (1) Where the Registration Officer by these rules is required to publish any document, and no specific provision is made as to the mode of publication, he shall publish the document available for inspection by the public in his office, and at the Post Office and, if he thinks fit, in any other manner which is, in his opinion, desirable for the purpose of bringing the contents of the documents to the notice of those interested. Any document required to be published shall be kept published for the prescribed time. Any failure to publish a document in accordance with these rules shall not invalidate the document, but this provision shall not relieve the Registration Officer from any penalty for such failure.

(2) If any person without lawful authority destroys, mutilates, defaces or removes any notice published by the Registration Officer in connection with his registration duties, or any copies of a document which have been made available for inspection in pursuance of these rules, he shall be liable on summary conviction to a fine not exceeding £5.

Supplies of copies of claims, objections, etc.

11. The Registration Officer shall, on the application of any person, allow that person to inspect, and take extracts from the electors' list for any registration unit in his area and any claim or notice of objection made under these rules.

Mode of sending notices etc.

12. Any claim or notice of objection which is under these rules to be sent to the Registration Officer may be sent to him by post addressed to him at his office. Any notice which is required to be sent by the Registration Officer under these rules to any person shall be sufficiently sent if sent by post to the address of that person

as given by him for the purpose, or as appearing on the lists, or if there is no such address, to his last known place of abode.

13. (1) The Registration Officer may require any householder or any person owning or occupying any land or premises within his area, or the agent or factor of such person, to give, on the form supplied by the Registration Officer, any information in his possession which the Registration Officer may require for the purpose of his duties as Registration Officer. Any notice requiring information under this rule may be sent by post.

Information from householder.

(2) If any person fails to give the required information or give false information, he shall be liable on summary conviction to a fine not exceeding £20.

14. In reckoning time for the purpose of these rules, Sunday, Christmas Day, Good Friday and any day set apart as a public holiday, or public thanksgiving shall be excluded and where anything is required by these rules to be done on any day falls to be done on any such day as aforesaid, that thing may be done on the next day not being one of any such days.

Reckoning of time.

THIRD SCHEDULE.

Section 12.

DECLARATION OF CANDIDATE.

I, A. B., being a candidate for the election to the office of Councillor of the Town Council of Stanley, solemnly and sincerely declare that -

- (a) I am a British subject by birth and of the full age of 21 years;
- (b) I reside within Stanley during at least eight months in every year; and
- (c) I am fully conversant with and able to read and write the English language.

(Signed)

Declared before me this day of , 194 .

.....
(A Justice of the Peace).

FOURTH SCHEDULE.

Section 24.

FORM OF BALLOT PAPER.

(FRONT).			
DOE. (John Doe, Labourer, John Street, Stanley.)	SMITH. (Richard Walter Smith, Civil Servant, Ross Road, Stanley.)	ROE. (Albert Roe, Merchant, Ross Road, Stanley.)	WHITE. (John White, Contractor, Davis Street, Stanley.)
1	2	3	4
(BACK OF BALLOT PAPER).			
(COUNTERFOIL).	No.....	Note :- The counterfoil is to have a number to correspond with that on the back of the Ballot Paper.	
No.....			
ELECTION FOR TOWN COUNCIL, STANLEY.			

Note : The number of the ballot paper is to correspond with that on the counterfoil.

DIRECTIONS AS TO PRINTING BALLOT PAPER.

Nothing is to be printed on the ballot paper except in accordance with this Schedule.

The surname of each candidate, and if there are two or more candidates of the same surname, also the other names of such candidates, shall be printed in large characters as shown in the form and the names, addresses and descriptions, and the number on the back of the paper, shall be printed in small characters.

FIFTH SCHEDULE.

Section 25.

I swear by Almighty God that I will not at this Election for the Town Council of Stanley do anything forbidden by Section 46 of the Stanley Town Council Ordinance.

SIXTH SCHEDULE.

Section 27.

FORM OF DIRECTIONS FOR THE GUIDANCE OF ELECTORS IN VOTING.

1. The voter may vote for two candidates.
2. The voter will go into one of the compartments and with the pencil provided in the compartment, place a cross on the right hand side, opposite the name of the candidate or candidates for whom he votes, thus - X.
3. The voter will then fold up the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then in the presence of the presiding officer put the paper into the ballot box, and forthwith quit the polling place.
4. If the voter inadvertently spoils a ballot paper he can return it to the presiding officer, who will, if satisfied of such inadvertence, give him another paper.
5. If the voter votes for more than two candidates or places any mark on the paper by which he may afterwards be identified, his ballot paper will be void, and will not be counted.
6. If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given him by the presiding officer, he will be guilty of a misdemeanour and be liable to imprisonment for a term not exceeding six months.

Note : These directions shall be illustrated by examples of the ballot paper.

SEVENTH SCHEDULE.

Section 58 (2).

FORM OF DECLARATION BY CANDIDATE AS TO EXPENSES.

I, _____, having been a candidate at the election of the Stanley Town Council, on the _____ day of _____ (and my agent) do hereby solemnly and sincerely declare that I have paid _____ for my expenses at the said election, and that, except as aforesaid, I have not, and to the best of my knowledge and belief, no person, nor any club, society or association, has on my behalf, made any payment, or given, promised or offered any reward, office, employment or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election.

And I further solemnly and sincerely declare that, except as aforesaid, no money, security or equivalent for money, has to my knowledge or belief been paid, advanced, given or deposited by anyone to or in the hands of myself, or any other person, for the purpose of defraying any expenses incurred on my behalf, on account of, or in respect of, the conduct or management of the said election.

And I further solemnly and sincerely declare that I will not at any future time make or be a party to the making or giving of any payment, reward, office, employment or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be a party to the providing of any money, security or equivalent for money for the purpose of defraying any such expenses.

Signature of declarant C. D.

and his agent (if any) E. F.

Signed and declared by the above-named declarant(s) on the _____ day of _____, 194 _____, before me,

(Signed) G. H.,

A Justice of the Peace.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,

Clerk of the Legislative Council.

Assented to in His Majesty's name this 29th day of November, 1947.

MILES CLIFFORD,
Governor.

[L.S.]

No. 2



1947.

Colony of the Falkland Islands and its Dependencies.

IN THE TWELFTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE VI.

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,
Governor.

An Ordinance

**To amend the Medical Practitioners,
Midwives and Dentist Ordinance, 1914.**

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Medical Registration (Amendment) Ordinance, 1947, and shall be read and construed with the Medical Practitioners, Midwives and Dentists Ordinance, 1914, (hereinafter referred to as the Principal Ordinance).

Short title.

2. Section 2 of the Principal Ordinance is hereby repealed and replaced by the section following:—

Amendment of
Section 2 of No. 3
of 1914.

Registration.

2. Separate registers of Medical Practitioners, Midwives, and Dentists shall be kept in the form of the Schedule hereto.

Fees.

The fee to be charged for each registration under this Ordinance shall be two guineas for persons possessing professional qualifications registered in any Country of the British Commonwealth of Nations, and a fee of five guineas for persons possessing professional qualifications not registered within the British Commonwealth of Nations but Medical Practitioners, Midwives and Dentists who are in the employment of the Colonial Government shall be registered free of charge.

Provided that the Senior Medical Officer may refuse to register any person whose professional qualifications are not acceptable by the General Council of Medical Education and Registration of the United Kingdom.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

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

Assented to in His Majesty's name this 29th day of November, 1947.

MILES CLIFFORD,
Governor.

[L.S.]



No. 3

1947.

Colony of the Falkland Islands and its Dependencies.

IN THE TWELFTH YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE VI.
G. M. CLIFFORD, C.M.G., O.B.E., E.D.,
Governor.

**An Ordinance
To amend the Tariff Ordinance, 1943.**

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows —

1. Notwithstanding any provisions to the contrary contained in the Third Schedule of the Tariff Ordinance, 1943, the duties of Customs to be raised, levied and collected upon whale products, seal products and tallow which shall have been produced in the Colony or any of its Dependencies, or brought within the Colony or any of its Dependencies for storage and subsequent exportation, shall be in accordance with the scale set forth in the Schedule to this Ordinance.

Duty on Whale and Seal products and Tallow.

2. In the event of any difference of opinion arising as to the market price of any substance named in the Schedule the decision of the Governor in Council shall be final.

Dispute as to Value.

3. In this Ordinance and in the Tariff Ordinance, 1943, "Colony" means the Colony of the Falkland Islands and its Dependencies and the territorial waters of the Colony and its Dependencies.

Definition.

4. This Ordinance may be cited as the Oil &c. Export Duties Ordinance, 1947, and shall be read and construed as one with the Tariff Ordinance, 1943.

Short Title.

SCHEDULE.

EXPORT DUTIES.

1. On Whale Oil and Seal Oil.

On every barrel of forty (40) gallons —

If the average U.K./Continent market price for the season of first grade oil				
does not exceed £20 per ton				... one shilling and sixpence.
exceeds £20 but does not exceed £25 per ton				... two shillings.
"	£25	"	"	£30 " " ... two shillings and sixpence.
"	£30	"	"	£35 " " ... three shillings.
"	£35	"	"	£40 " " ... three shillings and sixpence.
"	£40	"	"	£45 " " ... four shillings.
"	£45	"	"	£50 " " ... four shillings and sixpence.
"	£50	"	"	... five shillings.

2. On whale, or seal, meat-meal and guano and other substances prepared from whales or seals — sixpence per one hundred lb. weight, or part thereof.

3. On Tallow, whether prepared from sheep or cattle — Two and a half per centum of the average U.K./Continent market value at the time of shipment.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,

Clerk of the Legislative Council.

FALKLAND ISLANDS :

Printed at the Government Printing Office by H. H. Sedgwick.

Assented to in His Majesty's name this 29th day of November, 1947.

MILES CLIFFORD,
Governor.

[L.S.]

No. 4



1947.

Colony of the Falkland Islands and its Dependencies.

IN THE TWELFTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE VI.

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,
Governor.

An Ordinance

To legalise certain payments made in the year One thousand Nine hundred and Forty-six in excess of the Expenditure sanctioned by Ordinance No. 2 of 1945.

WHEREAS it is expedient to make further provision for the service of the Colony for the year 1946. Preamble.

BE IT THEREFORE ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows — Enacting Clause.

1. This Ordinance may be cited for all purposes as the Supplementary Appropriation (1946) Ordinance, 1947. Short Title.

2. The sums of money set forth in the Schedule hereto having been expended for the services therein mentioned beyond the amounts granted for those services by the Ordinance providing for the service of the year One Thousand nine hundred and forty-six, the same are hereby declared to have been duly laid out and expended for the service of the Colony in that year, and are hereby approved, allowed and granted in addition to the sums mentioned for those services in the said Ordinance. Appropriation of excess expenditure for the year 1946.

SCHEDULE.

Number.	Head of Service.	Amount.		
		£	s.	d.
FALKLAND ISLANDS.				
II.	The Governor	86	4	11
III.	Colonial Secretary	348	1	0
V.	Audit	2	10	0
VI.	Post Office	780	18	0
VII.	Electrical & Telegraphs	529	12	5
X.	Police & Prisons	110	18	7
XI.	Medical	2184	12	10
XVI.	Agriculture	473	8	1
XVII.	Miscellaneous	119121	17	2
XVIII.	Public Works Department	1663	12	2
XIX.	Public Works Recurrent	9422	18	8
XX.	Public Works Extraordinary	555	8	5
XXI.	War Expenditure	735	14	2
XXII.	Land Sales	67	1	0
		136082	17	5
DEPENDENCIES.				
I.	Dependencies	68370	10	5

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,

Clerk of the Legislative Council.

FALKLAND ISLANDS :

Printed at the Government Printing Office by H. H. Sedgwick.

Assented to in His Majesty's name this 29th day of November, 1947.

MILES CLIFFORD,
Governor.

[L.S.]

No. 5



1947.

Colony of the Falkland Islands and its Dependencies.

IN THE TWELFTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE VI.

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,
Governor.

An Ordinance

To provide for the service of the year 1948.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows— Enacting Clause.

1. This Ordinance may be cited for all purposes as the Appropriation (1948) Ordinance, 1947. Short Title.

2. The Governor may cause to be issued out of the Public Revenue and other funds of the Colony and applied to the service of the year ending the 31st December, 1948, a sum not exceeding One hundred and fifty-six thousand, Two hundred and fifty-nine pounds, which sum is granted and shall be appropriated for the purposes and to defray the charges of the several services expressed and particularly mentioned in the Schedule hereto which will come in course of payment during the year 1948. Appropriation of £156,259 for service of year 1948.

SCHEDULE.

Number.	Head of Service.	Amount.		
		£	s.	d.
FALKLAND ISLANDS.				
I.	The Governor	2968	0	0
II.	Agriculture	7821	0	0
III.	Audit	995	0	0
IV.	Colonial Development & Welfare	15515	0	0
V.	Customs	605	0	0
VI.	Ecclesiastical	—	—	—
VII.	Education	10072	0	0
VIII.	Electrical and Telegraphs	8958	0	0
IX.	Harbour	1544	0	0
X.	Judicial	249	0	0
XI.	Land Sales	211	0	0
XII.	Medical	10943	0	0
XIII.	Meteorological	521	0	0
XIV.	Military	691	0	0
XV.	Miscellaneous	8951	0	0
XVI.	Naturalist	789	0	0
XVII.	Pensions	5000	0	0
XVIII.	Police and Prisons	1621	0	0
XIX.	Post Office	8145	0	0
XX.	Public Works Department	3506	0	0
XXI.	Public Works Extraordinary	19550	0	0
XXII.	Public Works Recurrent	16130	0	0
XXIII.	Secretariat & Treasury	6441	0	0
XXIV.	War Expenditure	—	—	—
Total Expenditure chargeable to Revenue		£131226	0	0
DEPENDENCIES.				
I.	Ordinary Expenditure	19993	0	0
II.	Extraordinary Expenditure	5040	0	0
Total		£156259	0	0

PART II.

RULES. REGULATIONS. Etc.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,

Clerk of the Legislative Council.

FALKLAND ISLANDS.

No. 1.

Proclamation

1947.

To prohibit the Importation and Exportation of certain articles and goods and to regulate the Importation and Exportation of certain others.

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" " 2 " "	" " "
Order No. 1 of 1947.	Post Office (Air Mail) Amendment Order.
" " 2 " "	Finance Control Penalties Regulations.
" " 3 " "	Rescindation of Defence Finance Orders.
Regulation No. 1 of 1947.	Defence Finance Regulations.
" " 2 " "	Motor Car (Speed & Weight) Regulations.
" " 3 " "	Medical Fees Regulations.
" " 4 " "	Plant Disease Regulations.
" " 5 " "	Defence Finance Regulations.
" " 6 " "	Livestock Quarantine Regulations.
Notice regarding Application of Ordinances of the Colony to the Dependencies.	
Notice regarding duty on Films.	

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

MILES CLIFFORD — *By His Excellency* GEOFFREY MILES CLIFFORD, Esquire, *Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, upon whom has been conferred the Efficiency Decoration, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.*

[L.S.]

WHEREAS it seems desirable to consolidate the orders governing the Importation of goods into the Colony and the Exportation of goods from the Colony.

Now in virtue of the powers in me vested by Section 2 of the Exports and Imports (Emergency Powers) Ordinance, 1939, I, GEOFFREY MILES CLIFFORD, Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, upon whom has been conferred the Efficiency Decoration, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, do hereby proclaim and order and it is hereby proclaimed and ordered that the following amended rules regarding the importation of all goods without exception come into force forthwith :—

Open General Import Licences may henceforth be granted to Registered Traders upon application to the Collector of Customs for all articles of Merchandise obtainable within the sterling area with the exception of Foodstuffs, which will continue to be controlled by means of licences which may be issued by the Collector of Customs.

And it is further proclaimed and ordered that the exportation of the following articles is prohibited :—

Chemicals & chemical preparations.	Seeds.
Clothing (including footwear).	Soap & Soap powder.
Foodstuffs.	Textile materials (excluding bagging).
Glass & Earthenware.	Toilet preparations.
Oils, Polish, &c.	Toys.
Paint.	

Provided always that the foodstuffs and other products named in the Schedule annexed are hereby authorized to be exported subject to the conditions set forth in the said Schedules.

Proclamation No. 7 of 1942, dated the 23rd November, 1942, and Proclamation No. 6 of 1946, dated 14th December, 1946, are hereby repealed.

GOD SAVE THE KING.

Given at Government House, Stanley, this 20th day of June, in the Year of Our Lord One thousand Nine hundred and Forty-seven.

By His Excellency's Command,

A. B. MATHEWS,

Colonial Secretary.

M.P. 224/46.

SCHEDULE A.

The following may be exported by Open General Licence, issued by the Collector of Customs, quantities not limited.

Dripping and all other locally produced substances and articles containing no imported ingredients with the exception of salt used as a preservative.

SCHEDULE B.

The following may be exported by Open General Licence issued by the Collector of Customs, provided that the parcels do not contain more than 4 lbs. of any one foodstuff and that only one parcel may be sent to any one addressee in any one mail and that the contents are drawn from the following list :-

EX-ARMY STOCKS.

1. Meat & Vegetable Stew.
2. Oxford Sausages.
3. Casserole of Beef.
4. Steak & Kidney Pudding.
5. Margarine.

FALKLAND ISLANDS.

No. 2.

Proclamation

1947.

To prohibit the Importation and Exportation of certain articles and goods and to regulate the Importation and Exportation of certain others.

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

MILES CLIFFORD — *By His Excellency* GEOFFREY MILES CLIFFORD, ESQUIRE, *Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, upon whom has been conferred the Efficiency Decoration, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.*

[L.S.]

WHEREAS it seems desirable to amend the orders governing the Importation of goods into the Colony and the Exportation of goods from the Colony.

Now in virtue of the powers in me vested by Section 2 of the Exports and Imports (Emergency Powers) Ordinance, 1939, I, GEOFFREY MILES CLIFFORD, Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, upon whom has been conferred the Efficiency Decoration, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, do hereby proclaim and order and it is hereby proclaimed and ordered that the following amended rules regarding the importation of all goods without exception come into force forthwith -

Except in respect of goods which have already been ordered and for which a confirmed credit exists in the seller's country all Open General Licences whether issued by the Competent Authority or by the Collector of Customs are hereby cancelled.

Specific Import Licences will henceforth be required for all articles of merchandise.

And it is further proclaimed and ordered that the exportation of the following articles is prohibited -

Chemicals & chemical preparations.	Seeds.
Clothing (including footwear).	Soap and Soap powder.
Foodstuffs.	Textile materials (excluding bagging).
Glass & Earthenware.	Toilet preparations.
Oils, Polish, &c.	Toys.
Paint.	

Provided always that the foodstuffs and other products named in the Schedules annexed are hereby authorized to be exported subject to the conditions set forth in the said Schedules.

Proclamation No. 1 of 1947, dated the 20th June, 1947, is hereby repealed.

GOD SAVE THE KING.

Given at Government House, Stanley, this 1st day of October, in the Year of Our Lord One thousand Nine hundred and Forty-seven.

By His Excellency's Command,
A. B. MATHEWS,
Colonial Secretary.

M.P. 224/46.

SCHEDULE A.

The following may be exported by Open General Licence, issued by the Collector of Customs, quantities not limited.

Dripping and all other locally produced substances and articles containing no imported ingredients with the exception of salt used as a preservative.

SCHEDULE B.

The following may be exported by Open General Licence issued by the Collector of Customs, provided that the parcels do not contain more than 4lbs. of any one foodstuff and that only one parcel may be sent to any one addressee in any one mail and that the contents are drawn from the following list—

EX-ARMY STOCKS

1. Meat & Vegetable Stew.
2. Oxford Sausages.
3. Casserole of Beef.
4. Steak & Kidney Pudding.
5. Margarine.
6. Marmite.

FALKLAND ISLANDS.

Order by His Excellency the Governor in Council.

MILES CLIFFORD,
Governor.

No. 1 of 1947.

In exercise of the powers vested in him by the Post Office Ordinance, 1898, and with the advice and consent of the Executive Council, His Excellency the Governor is pleased to order, and it is hereby ordered that :—

1. This Order may be cited as the Post Office (Air Mail) Amendment Order, 1947.
2. Line 3 of paragraph 2 of Order No. 4 of 1944, entitled Post Office (Air Mail Fees) Order, 1944, shall be amended by the insertion of the words "and South Georgia" between "Fox Bay" and "post offices".
3. The sixth paragraph of Order No. 1 of 1945 is hereby revoked and shall be replaced by the following paragraph—

The authorised air letter forms will be issued free of charge on application at a post office. No other forms will be accepted for transmission under this scheme.

Made by the Governor in Executive Council on this 1st day of July, 1947.

J. BOUND,
Acting Clerk of the Executive Council.

M.P. 0082.

FALKLAND ISLANDS.

Defence (Finance) Regulations, 1939.

Order by His Excellency the Governor.

MILES CLIFFORD,
Governor.

No. 2 of 1947.

Under the authority of the Emergency Powers (Defence) Act, United Kingdom, 1939, the Governor is pleased to make the following regulations –

1. These regulations may be cited as the Finance Control Penalties Regulations, 1947. Short title.

2. Any person contravening any provision of the Defence (Finance) Regulations, 1939, or of any Regulations amending them or Orders made thereunder shall be guilty of an offence and shall be liable –

- (a) on conviction in a Court of Summary Jurisdiction, to imprisonment for not more than three months or to a fine not exceeding five hundred pounds or to both;
- (b) on conviction on indictment, to imprisonment for not more than two years or to a fine not exceeding one thousand pounds or to both;

and where the offence is concerned with any currency, security, gold, goods or other property, the Court may order such currency, security, gold, goods or other property to be forfeited.

By Command,

A. B. MATHEWS,
Colonial Secretary.

1st October, 1947.

M.P. 0078/A.

FALKLAND ISLANDS.

Defence (Finance) Regulations, 1939.

Order.

No. 3 of 1947.

MILES CLIFFORD,
Governor.

In exercise of the powers in him vested by the Defence (Finance) Regulations, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows –

1. The following Orders made under the Defence (Finance) Regulations are hereby rescinded –

Order of the 9th of September, 1939.

Order of the 27th of August, 1940.

Dated this 24th day of November, 1947.

By Command,
A. B. MATHEWS,
Colonial Secretary.

M.P. 0078/A.

FALKLAND ISLANDS.

Falkland Islands Defence Regulations, 1946.

A. B. MATHEWS,

No. 1 of 1947.

Governor's Deputy.

In exercise of the powers in him vested by the Falkland Islands Defence Regulations, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows :—

1. The following of the principal Regulations as amended, and all Orders issued thereunder are hereby repealed :—

PART VI.

APPROPRIATION, CONTROL, FORFEITURE AND DISPOSITION OF PROPERTY AND OF THE USE THEREOF.

Section 41	(1) (b)	General control of industry.
" "	(2)	Right to make charges.
" "	(3)	Power of a Competent Authority.

PART VIII.

GENERAL AND SUPPLEMENTARY.

Section 58	Inquiries.
" 74	Disposal of articles in possession of executive authorities.

Dated this 18th day of April, 1947.

By Command

J. BOUND,

for Colonial Secretary.

M.P. C/1/44.

FALKLAND ISLANDS.

The Motor Car Ordinance, 1936.

Regulations made by the Governor in Council under
Section 6 of Ordinance No. 2 of 1936.

MILES CLIFFORD,

Governor.

No. 2 of 1947.

In pursuance of the powers in him vested by Section 6 of the Motor Car Ordinance, 1936, His Excellency the Governor by and with the advice of the Executive Council is pleased to make the following Regulations :-

1. These Regulations may be cited as the Motor Car (Speed and Weight) Regulations, 1947.

2. No motor vehicle having a chassis weight exceeding thirty hundredweight may be used in Stanley excepting those in use at the date of the making of these Regulations, provided that any motor vehicle which exceeds the said weight and has been ordered for importation before the date of these Regulations may be used.

3. No motor vehicle may exceed the speed of twenty miles per hour within that part of the town of Stanley which is enclosed within the Common Fence, provided that the said fence is assumed to cross the road running to the West at the West side of the gate at the Naval W/T Control buildings and that at a distance of fifty yards from every entrance to the area in which speed is controlled there shall be erected a white board bearing in black the figures "20" which shall not be less than twelve inches in height, and that the said boards shall be placed on the near side of the road with reference to vehicles approaching the area in which speed is controlled.

Made by the Governor in Executive Council at a Meeting held on the 24th day of June, 1947.

J. BOUND,

Acting Clerk of the Executive Council.

M.P. 0086.

FALKLAND ISLANDS.

The King Edward Hospital Ordinance, 1916.

The Medical Fees Regulations, 1947.

MILES CLIFFORD,

Governor.

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

1. These regulations may be cited as the Medical Fees Regulations, 1947. Short Title.

2. In these Regulations :

Definitions.

“Medical Officer” means a qualified medical Practitioner employed by the Government.

“Household” means those living under one roof as a family.

“Subscriber” means a household, the head of which subscribes an annual sum towards the cost of Government medical service.

“Child” means a person under 15 years of age.

“Government Servant” means any person appointed to an established post and whose appointment is published in the Gazette.

“Government Employee” means any employee not so appointed whose wages are paid from “Other Charges”, and who is a contributor to the Provident Fund.

Provided that any Government employee having the same privileges in respect of medical fees as Government Servants on the 1st of May, 1938, shall not be deprived of such privileges while in the employment of the Government.

“Normal Visit” means the professional visit ordinarily paid by a Medical Officer to a household in Stanley.

3. Charges levied under these Regulations may be remitted in whole or in part by the Governor. Remission of Charges.

4. Charges shall be paid or arranged for, save in emergencies, at the time or before the service is rendered. Charges to be paid at time or before service rendered.

5. The following schedules of charges shall apply : Fees to be charged.

SCHEDULE A – SCALE OF CHARGES FOR MEDICAL SERVICES PERFORMED OUTSIDE THE KING EDWARD MEMORIAL HOSPITAL.

(1) Attendance by a Medical Officer at the household of a person in Stanley whose income does not exceed £200 per annum, between 7.0 a.m. and 7 p.m.

(a) For the first visit 2/6.

(b) For each subsequent visit 1/6.

(2) Attendance by a Medical Officer at the household of a person in Stanley whose income exceeds £200, but less than £500, between 7.0. a.m. and 7.0. p.m.

- (a) For the first visit 5/-.
- (b) For each subsequent visit 2/6.

(3) Attendance by a Medical Officer at the household of a person in Stanley whose income exceeds £500 per annum, between 7.0. a.m. and 7.0. p.m.

- (a) For the first visit 7/6.
- (b) For each subsequent visit 5/-.

(4) Attendance by a Medical Officer at the household of a person during the night 7.0. p.m. to 7.0. a.m. shall be double the charge made for a day visit.

(5) Requests for visits except in cases of urgency shall be made to the K.E.M. Hospital by noon for a visit on the same day, otherwise double fees may be charged, as for night visits.

(6) Attendance by a Sister or Staff Nurse at a residence of any person in Stanley -

- (a) For the first visit 1/- to 15/-.
- (b) For each subsequent visit 1/- to 5/-.

(7) - (a) When a Nursing Sister or Staff Nurse is employed on full time service outside the King Edward Memorial Hospital but in Stanley, a charge of 9/- to 15/- per day shall be made and the Nurse shall be provided by her employer with suitable board and lodging free of charge.

(b) When the same service as in (7), (a) is performed outside Stanley, free transport shall be provided for the Nurse, free board and lodging shall be provided and there shall be payable in advance a charge of 3/- to 15/- per day.

(8) When a Medical Officer is required to remain with a case in excess of the time spent in a normal visit; renders special service or treatment, performs any kind of operation, obstetrical or surgical, a fee varying from £1 to £20 may be charged at the discretion of the Senior Medical Officer.

(9) When a Medical Officer visits a patient outside Stanley who is not a subscriber to a Government Medical Service, there shall be made, in addition to medical charges, a *one-way* mileage charge of 3/- per mile or, in lieu, transport both ways shall be provided, as required by the Senior Medical Officer.

(10) When a Medical Officer is requested to visit a ship in Stanley Harbour or elsewhere there shall be made a charge of £1. 1s. for the first patient and 5/- for each additional patient seen. When the patient is on board a ship in Port William the charges shall be £1. 10s. 6d. and 7/6 respectively.

Free transport to the ship shall be provided by the Master where necessary.

(11) For persons not normally resident in the Colony double fees may be charged at the discretion of the Senior Medical Officer.

SCHEDULE B - SCALE OF FEES CHARGEABLE AT THE KING EDWARD MEMORIAL HOSPITAL.

(1) Medical Consultation as an Out-patient -

- (a) For the first consultation 1/6 to 5/-.
- (b) For subsequent consultations 1/- to 3/-.

(2) Special services, diagnostic, medical, surgical or laboratory, as an Out-patient, 1/6 to £2, depending on the character of the work and at the discretion of the Medical Officer doing the work.

(3) For ordinary medical attendance - while an In-patient in a General Ward, 2/- per day.

While an In-patient in a Private Ward, 3/- per day.

(4) - (a) For special services in addition to attendance, diagnostic, medical, surgical or therapeutic a special service charge shall be made depending on the nature of the work done, status of the patient, etc. This charge shall include post-operative attendance fees.

(b) Maternity patients who have attended the ante-natal clinic and are admitted as In-patients shall pay an inclusive fee of £4. 4s. in the General Ward or £6. 6s. in a Private Ward.

(5) There shall normally be no charge for ordinary medicines or dressings supplied to an In-patient but a charge shall lie where these are unusual in quantity or type and shall be such as the Senior Medical Officer may consider appropriate.

SCHEDULE C - FEES FOR MAINTENANCE.

(1) Persons normally resident in the Colony and admitted to a General Ward shall be charged 8/- per day, £2. 2s. per week, and odd days in excess of a week 8/- per day; and if they are admitted to a Private Ward shall be charged 10/- per day, £3. 3s. per week and odd days in excess of a week 10/- per day.

(2) Camp subscribers shall be charged general maintenance fees on the same scale as ordinary residents in the Colony.

(3) Persons not normally resident in the Colony shall be charged 10/6 per day when admitted to a General Ward or 20/- per day or £5. 5s. per week when admitted to a Private Ward.

(4) Half fees shall be charged for the maintenance of children.

(5) At his discretion, the Senior Medical Officer may remit half of any of the fees set forth in Schedules (B) and (C) and the Governor alone may remit more than half, but there shall be no remission of fees charged with respect to Private Wards.

SCHEDULE D - DENTAL FEES.

(1) Scaling and polishing, or scaling and polishing with gum treatment 2/6 to 7/6.

- (2) Fillings – (a) Amalgam 2/6 to 10/-.
 (b) Cement 5/- to 10/-.
 * (c) Gold but excluding cost of gold 10/6 to £1. 1s.
 (d) Temporary 2/-.
- (3) Root treatment, per tooth, 7/6 to £2. 2s.
- * (4) Crowning, per tooth, £2. 2s. to £5. 5s.
- (5) Extractions – (a) Under local anaesthetic, per tooth, from 1/- to £2. 10s.
 (b) With general anaesthetic, per tooth, 2/-, but in no case in excess of 30/-. This does not include a fee for anaesthesia and for maintenance if the patient is admitted to the Hospital.
- (6) Children – Scaling, polishing, gum treatment, Amalgam and Cement Fillings, extractions under local anaesthetic – Free. Any treatment more extensive shall require half the usual charges for Adults. Children of parents whose income exceeds £200 per annum, half adult fees.
- * (7) Dentures – (a) Full upper or lower denture £3. 3s. to £5. 5s.
 (b) Partial denture £1. 1s. to £2. 2s.
 (c) Repairs to fractured dentures up to 15/-, without guarantee of resultant repair.
 (d) Additions on partial dentures, per tooth, 1/- to 2/-.
 (e) Obturator in addition to the plate £1. 1s. to £2. 2s.
 (f) Splints – vulcanite or metal, each £1. 1s. to £2. 2s.

Note. Special compounds including Acrylic Resin, *double* and Precious Metals *treble* the fees above.

- (8) Visits in Stanley, in addition to any work, 2/6 to 10/-.

Special visits outside Stanley – Transport shall be provided free for the Dentist and a fee charged for his time from £1. 1s. to £10. 10s.

SCHEDULE E – MISCELLANEOUS CHARGES.

- (1) General anaesthesia including spinal anaesthesia and intravenous anaesthesia. The fee charged shall be from 10/6 to 21/- regardless of the purpose for which it is required. No special fee for local anaesthetic.
- (2) For examination for Benefit Societies with a certificate the fee shall be 10/6.
- (3) For examination for Life Assurance with a certificate the fee shall be 31/6.

- (4) Vaccination against small-pox and immunisation against any disease, free.

- (5) Medical comforts, wines, spirits, any special apparatus, food or medicines, shall be paid for by the patient.

- (6) Common galenical prescriptions –

Bottle of 10 ozs. in ½ oz. doses	1s. 6d. to 3/-.
Common ointments, per oz.	3d.
Common linaments, per oz.	3d. to 6d.
Common tablets and pills, per doz.	2d.

Other preparations shall be charged according to cost and quantity.

- (7) The following charges for radiography shall be made :

(a) Simple screening	5/- to 20/-.
(b) Skiagram	5/- to 20/-.
(c) Barium series	10/6 to 42/-.

- (8) Physiotherapy treatment, *i.e.*, radiant heat, vapour baths, etc., if given to Out-patients, shall be charged at 1/- per session; to In-patients no charge.

- (9) For use of the Medical car as an ambulance or conveyance 2/6 to 21/- depending on time and distance.

SCHEDULE F – SCALE OF CHARGES FOR SPECIAL CLASSES.

- (1) Government Servants – No charge shall lie against a Government Servant for the cost of medical care except :

- (a) For maintenance in the King Edward Memorial Hospital, when half the normal charges shall be collected.
- (b) For dental charges of a special character, indicated in the Schedule by an asterisk, when half the normal charges shall be collected.
- (c) For general anaesthesia and special services as outlined in Schedule B, (4) or B, (2) ; when half the normal charges shall be collected.
- (d) Medical comforts, etc., – see Schedule E, (5).
- (e) Ambulance charge, see Schedule E, (9).

- (2) Wives and children of Government Servants, excluding those gainfully employed, shall be treated precisely as Government Servants.

- (3) Recognised Ministers of Religion and Sisters of Charity shall be similarly regarded.

- (4) Camp Subscribers – With the exception of the charges prescribed in Schedule B (4) (b), no charges shall lie for Medical Services under Schedules A, B, and E.

- (5) Government Employees, as for Government Servants.

- (6) Children – half the normal charges shall be collected.

- (7) No charge for medical or dental care shall lie against a member of the Falkland Islands Defence Force when on active service except :

- (a) in the case of a man who has been technically embodied but is not actually serving with the Force, when the regulations as for civilians shall apply -
- (b) in the case of a man who requires medical or dental treatment for conditions antedating enlistment and not arising from military service.

Members of the Falkland Islands Defence Force who, in the opinion of the Senior Medical Officer require treatment in Hospital, shall receive free hospital maintenance in a private ward in the case of a commissioned officer and in a public ward for all other ranks.

Repeal.

6. The Medical Department Fees Regulations, 1938, the Medical Department Fees (Amendment) Regulations, 1938, and the Medical Department Fees (Amendment) Regulations, 1939, are hereby repealed.

Made by the Governor in Executive Council at a meeting held on the 2nd day of August, 1947.

J. BOUND,
Acting Clerk of the Executive Council.

M.P. 0135.

FALKLAND ISLANDS.

Plant Disease Regulations.

Regulations made by the Governor in Council under Section 3 of the Plant Disease Regulation Ordinance 1944.

MILES CLIFFORD,
Governor.

No. 4 of 1947.

1. These Regulations may be cited as the Plant Importation Regulations 1947. Short title.
2. The Officer in Charge of the Agricultural Department shall be the prescribing authority. Prescribing authority.
3. The Governor may appoint duly qualified persons who shall be termed Plant Inspectors to enforce the provisions of the Plant Disease Regulation Ordinance 1944 and of the Regulations made under it. The Agricultural Officer shall be Chief Plant Inspector *ex officio* and all Customs Officers shall be Plant Inspectors *ex officio*. Inspectors.
4. An Inspector shall inspect all plants set out in the First Schedule and Third Schedule on their arrival in the Colony, and may inspect any other plant, seed, container, or covering imported into the Colony. Duty to inspect on arrival.
First Schedule.
5. For the purpose of these Regulations, Plant Inspectors may board and inspect any ship on arrival in the Colony if there is reason to believe that such a ship has on board any plants, seed, soil, containers or coverings intended for importation into the Colony and Plant Inspectors may enter land, enclosures or buildings (but not dwelling houses) and if any person impedes or obstructs or refuses such boarding of a ship or such entry to a Plant Inspector who states his business it shall be an offence. Powers of Inspectors.
6. An Inspector may -
 - (a) detain any plant, seed, soil, container, or covering which, if permitted to enter, would, in his opinion, bring about the introduction of pests or plant disease such as would endanger the healthy growth of plants customarily grown in the Colony or intended to be grown therein :
 - (b) with the approval of the Agricultural Officer, order any plant to be planted for a period not exceeding twenty-four calendar months in a specified place set apart and used for the time being as a plant quarantine station : Quarantine.
 - (c) order or apply any treatment that may be necessary to destroy any pest or disease which he identifies or believes to be present on or in any plant, seed, soil, container, or covering, and if no such treatment exists, or if there is danger that a pest or plant disease may escape into the Colony before such treatment can be applied, he shall order the complete destruction by fire of such plant, seed, soil, packing material, container or covering and shall ensure the complete destruction of the pest or plant disease. Destruction by fire if ordered.
7. With the exception of the plants and seeds specified in the Second Schedule no plant, seed or soil may be imported without a permit from the prescribing authority. Free imports.
Second Schedule.

Permit necessary to
import plants.

8. Applications for permits shall be made in writing and shall state—

- (a) the full name, and address of the applicant;
- (b) name and address of the person from whom it is proposed to obtain the plants, seeds or soil and the source of them, including locality and nursery if known.
- (c) the botanical or the generally accepted popular names of plants, and the number of each variety it is desired to import.
- (d) the locality in which it is proposed to grow the plants or seeds or use the soil etc.
- (e) and any other information which may be specifically required by the prescribing authority.

Health certificate
required.

9. Plants and tubers specified in the Third Schedule may not be imported unless—

Third Schedule.

- (a) they are accompanied by a certificate issued by or on behalf of the Government of the country of origin and stating that the plants were free from pests and diseases including virus disease when examined not more than fourteen days before shipment and that reasonable precautions were taken to prevent the plants becoming infected after the examination and unless—
- (b) there is in the Colony an officer competent to identify pests and diseases when the plants or tubers arrive. Provided that plants or tubers accompanied by certificates issued by or on behalf of a British or United States of America Government Authority may be imported in the absence of such an officer.

Costs of examination
and treatment recoverable
from importer.

10. All reasonable costs incurred in the examination, treatment, or destruction of plants, seeds or soil shall be borne by the importer notwithstanding that the plants, seeds or soil may have been destroyed and the costs may be recovered as a civil debt in a Court of Summary Jurisdiction.

Provided that the Governor may, if he sees fit, direct that no charge be made.

No compensation.

11. No claim for compensation shall lie for any loss incurred through the action of any Inspector acting in good faith under the authority of the Plant Disease Regulation Ordinance.

Port of entry.

12. Plants, seeds or soil shall normally be imported into the Colony at Stanley; but may be imported at any other place under such conditions as the Agricultural Officer may impose.

Penalty.

13. Any person importing any plant, seed or soil contrary to these Regulations shall commit an offence and shall, on conviction, be liable to a fine not exceeding £50.

Made by the Governor in Executive Council on the 2nd of October, 1947.

J. BOUND,
Acting Clerk of the Executive Council.

SCHEDULE I.

Section 4.

1. Seedlings and plants of forest trees.
2. Plant stocks and cuttings of fruit trees.
3. Plants and cuttings of small fruits (for example, currants, strawberries, raspberries and gooseberries).
4. Potatoes and other tubers.

SCHEDULE II.

Section 7.

1. Vegetable seeds.
2. Flower seeds.
3. Agricultural seeds (pasture and crop).
4. Seeds of small fruits.

SCHEDULE III.

Section 9.

1. Potatoes.
2. Jerusalem artichokes.
3. Strawberry plants.
4. Raspberry plants.
5. Currant plants.

FALKLAND ISLANDS.

Defence (Finance) Regulations, 1947.

MILES CLIFFORD,

Governor.

No. 5 of 1947.

Under the authority of the Emergency Powers (Defence) Act, United Kingdom, 1939, the Governor is pleased to make the following Regulations:

1. These Regulations may be cited as the Defence (Finance) Regulations, 1947.
2. (1) Except with permission granted by or on behalf of the Governor no person other than an authorised dealer shall in the Colony buy or borrow any foreign currency or any gold from, or lend or sell any foreign currency or any gold to, any person not being an authorised dealer.
(2) "Authorised dealer" means a commercial firm in the Colony authorised by the Governor to transact business direct with countries other than the United Kingdom and other parts of the British Empire.
3. Except with permission granted by or on behalf of the Governor no person shall –
 - (a) take or send out of the Colony any gold, securities or foreign currency, or transfer any securities from the Colony elsewhere, or
 - (b) draw or negotiate any bill of exchange or promissory note, transfer any security or acknowledge any debt, so that a right (whether actual or contingent) to receive a payment in the Colony is created or transferred as consideration –
 - (i) for receiving a payment, or acquiring property, outside the Colony, or
 - (ii) for a right (whether actual or contingent) to receive a payment, or acquire property, outside the Colony, or make any payment as such consideration.
 - (c) export from the Colony or import into the Colony sterling notes, provided that travellers may take out or bring in such notes, not exceeding ten pounds in value, which shall be produced to a Customs Officer.
 - (d) import into the Colony any One Pound (£1) Falkland Islands Currency Note bearing any number from C.44001 to C.54,000 inclusive of these numbers.
4. But nothing herein shall restrict the doing of anything by any person authorised by or on behalf of the Governor to deal in foreign exchange, nor restrict the doing of anything which is certified by or on behalf of the Governor to be necessary for the purpose –
 - (a) of meeting reasonable requirements of a trade or business carried on in the Colony,
 - (b) of performing a contract made before the day these regulations come into force, or
 - (c) of defraying travelling or other personal expenses at rates approved by the Governor.
5. Residents in the Colony who are or become entitled to sell gold, or procure the sale of gold, shall cause that gold to be offered for sale to the Government or to a person designated by the Governor at such price as may be determined by the Governor provided that there shall not be an obligation on any person to offer gold for sale if
 - (a) he satisfies the Governor –
 - (i) that none of the persons interested in the gold is resident in the Colony, or
 - (ii) that gold is required for the purpose of performing contracts made before the day on which these Regulations come into force, or
 - (iii) that gold is held for the purpose of meeting reasonable requirements of trade or business carried on in the Colony otherwise than by way of dealing in gold, or

(b) if he is in respect of that gold exempted from this Regulation by the Governor.

6. Any person leaving the Colony shall declare and produce any foreign currency in his possession and surrender any in excess of that which he is authorised to export.

7. Except for the persons who have been authorised by or on behalf of the Governor no person shall use existing non-sterling credits and such credits may be used only for goods to be purchased under Import Licences issued by or on behalf of the Collector of Customs or for such other purposes as may be prescribed by or on behalf of the Governor.

8. Where the Governor is satisfied, owing to a change in the external or internal position of any State, that action is being, or is likely to be taken to the detriment of the economic position of the United Kingdom, he may give general or special directions prohibiting either absolutely or to such extent as may be specified in the directions, the carrying out, except with permission granted by or on behalf of the Governor, of any order given by or on behalf of (a) the State or the Sovereign thereof or any person resident therein, or (b) any body corporate which is incorporated under the law of that State or is under the control of that State or the Sovereign thereof or any person resident therein so far as the Order (1) requires the person to whom the Order is given to make any payment or to part with any gold or securities, or (2) requires any change to be made in the person to whose credit any sum is to stand or to whose order any gold or securities are to be held.

9. At the end of a period of two months from the date of these Regulations British Sterling Notes shall cease to be legal tender in the Colony and all such notes shall be brought to the Treasury in Stanley and there exchanged for Falkland Islands notes of equal value or if this cannot be done the holder of British Sterling Notes shall notify the Financial Secretary of the amount of such notes held.

10. Any Customs Officer or other person authorised by the Governor shall, for the purpose of enforcing these Regulations, have the same rights of search and seizure as are conferred on a Customs Officer by the Customs Laws.

11. Any person contravening the provisions of these Regulations shall be guilty of an offence and shall be liable—

(a) on conviction in a Court of Summary Jurisdiction to imprisonment for not more than three months or to a fine not exceeding five hundred pounds or to both such fine and imprisonment;

(b) on conviction on indictment to imprisonment for not more than two years or to a fine not exceeding one thousand pounds or to both such fine and imprisonment;

and where the offence is concerned with any currency, security, gold, goods or other property the Court may order that such currency, security, gold, goods or other property be forfeited to the Crown.

12. The Regulations made on the following dates are hereby revoked:—

9th September, 1939; 29th March, 1941; 18th June, 1941;

26th July, 1941; 26th April, 1945; 1st October, 1947.

Made by the Governor in Executive Council at a Meeting held on the 25th of November, 1947.

L. W. ALDRIDGE,

Clerk of the Executive Council.

M.P. 0078/A.

FALKLAND ISLANDS.

Regulations made by the Governor in Executive Council under Section 45 of the Live Stock Ordinance, 1901, for the prevention of the introduction of any contagious or infectious disorder into the Colony or Dependencies.

MILES CLIFFORD,
Governor.

No. 6 of 1947.

1. These Regulations may be cited as the Live Stock Quarantine Regulations 1947. Short Title.

2. Any person intending to import any animal shall before it is ordered give notice in the form set out in Schedule A to the Chief Inspector of Stock, and such forms completed in duplicate shall be delivered to the Chief Inspector at least two months before the animals to be ordered are expected to arrive in the Colony. Notice of intention to import before animals are ordered. Schedule A.

3. Ships carrying animals shall enter at Port Stanley for the purpose of examination, except where the importer of such animals or his agent has previously obtained special permission from the Government to enter at some other port. Importing vessels to enter at Port Stanley except by special permission.

4. Special permission may be granted when a definite date of arrival is stated and seven days of grace will be allowed but at the end of that time a new application for special permission must be made. Seven days limit.

5. Every animal imported into the Colony from a British or Colonial port shall be accompanied by a health certificate signed by a qualified veterinary surgeon of the district in which it was purchased, and if an animal is imported into the Colony from a foreign port, it shall be accompanied by a written declaration from the exporter made before a British Consular Officer to the effect that the animal was free, on embarkation, from any infectious or contagious disease and was not, within thirty days preceding shipment, in direct or indirect contact with infected stock. Certificates of health compulsory.

6. Sheep must be accompanied by a certificate signed by a veterinary surgeon (of if none reside in the district, a Stock Inspector) of the district from which they were purchased, certifying that within thirty days before shipment each sheep was drenched twice for the eradication of a stomach, intestinal and lung worm and liver fluke, and the certificate must specify the treatment employed to this end. Sheep must be drenched for internal parasites before shipment.

7. Cattle must be accompanied by a certificate signed by a qualified veterinary surgeon (or if none reside in the district, a Stock Inspector) of the district from which the animal was purchased certifying that within thirty days preceding shipment each animal has been subject to serological and/or bacteriological tests for, and has been found to be free from tuberculosis, contagious abortion, contagious mamitis and any other disease which the Inspectors may designate. Cattle to be certified free from tuberculosis, contagious abortion, mamitis etc.

8. Dogs must be accompanied by a certificate signed by a qualified veterinary surgeon certifying that within thirty days preceding shipment the animal has been immunised to distemper, drenched to eradicate stomach and intestinal worms and is free from ecto-parasites and the certificate must indicate the treatment employed to this end. Dogs to be inoculated against distemper, and treated for parasites.

9. The Inspector may, within seventeen days after receiving a notification as prescribed by Regulation 2, require any animal to be accompanied by additional evidence of freedom from such specific diseases as the conditions in the exporting country for the time being make desirable. Evidence of freedom from specific disease on demand.

Certificate of quarantine during transshipment.	10. If transhipped at an intermediate port or ports, each consignment of animals must be accompanied by a declaration made before a British Consular Officer at each port of transshipment, stating the precautions that were taken to prevent the animals from contracting disease during transshipment, and the manner and place in which the animals were held and fed pending re-shipment.	
Importation of fodder and litter restricted.	11. No hay, straw, fodder or other similar substance that has been used for the food or bedding of animals being imported, or otherwise for or about such animals shall be imported, but unbroken bales to which the animals have not had access may be imported, subject to conditions imposed by the Inspector, if the said bales are accompanied by a written declaration from the exporter made before a British Magistrate, or a British Consular Officer at the port of shipment certifying that the hay, straw or fodder is from a district which has been free from foot and mouth disease for the past twenty four months.	
Duties of Inspectors.	12. Notwithstanding anything to the contrary in any Ordinance, an Inspector shall board and inspect every vessel carrying stock and shall examine every animal and all fodder and litter accompanying the animals or consigned to an address within the Colony or Dependencies.	
Powers of Inspectors.	13. An Inspector may – (1) prohibit the landing of any animal which, in his opinion, would be a source of danger to animals in the Colony. (2) order any animal to be destroyed either on board ship or after being landed, but such order in all cases must be sanctioned by the Governor before being carried into effect. (3) order any animal to be conveyed or driven to and confined in any area set apart as a quarantine station, to treat such animal for the eradication of any disease, and to keep it in quarantine until a written order for its release is given by him, or until its destruction is sanctioned by the Governor. (4) order that all or any parts of any vessel carrying stock shall be cleansed and disinfected to his satisfaction at the expense of the importer. (5) prohibit the landing of fittings, pens, hurdles, utensils, or other articles which have been used for or about any animal. (6) prohibit the landing of any hay, straw, fodder or any substance or article which in his opinion may carry disease and to order its destruction.	
Expenses payable by importer.	14. All expenses incurred in the destruction or keeping in quarantine by order of an Inspector, or in dipping, attendance on or feeding of any animals, or in the destruction of any hay, straw, fodder of any substance or any article under these Regulations, shall be payable by the importer and the Government will not compensate the importer for any loss sustained.	
Importation of sheep from South America.	15. The foregoing Regulations shall apply to the importation of sheep from South America subject to the following provisions – (1) The exporter of the sheep shall make a declaration in the form annexed hereto (Schedule B) with respect to the sheep which it is intended to import and the declaration shall be made before a British Consular Officer and countersigned by the Inspector before the sheep are landed. (2) The sheep shall be landed on a quarantine station or upon an island approved by the Inspector, and shall remain in quarantine for ninety days. (3) The sheep shall be dipped a first time within a week of being landed at the quarantine station, and another three times at	
Schedule B.		
	intervals of ten to fourteen days. Provided that the Inspector may at his discretion postpone the first dipping and have the sheep shorn in which case the wool so removed shall be rendered non-effective or, if necessary, be destroyed. (4) Before the sheep are released from quarantine they shall be marked with a yellow ruddle.	
	16. Where ordered the minimum periods of quarantine shall be as set forth in Schedule C.	Periods of quarantine. Schedule C.
	17. Notwithstanding anything to the contrary in these Regulations any animal brought to the Colony from the United Kingdom without transshipment and without having landed at any intermediate port may be landed in the Colony and subjected to domestic quarantine in a place approved by the Chief Inspector of Stock.	
	Provided that – (a) there is presented to the Chief Inspector of Stock before the landing of the animal a certificate of health from a veterinary surgeon practising in the United Kingdom, (b) the voyage from the United Kingdom to the Colony has exceeded twenty-one days, (c) the Inspector satisfies himself as to the health of the animal before it is landed in the Colony, (d) the animal has not been in contact with any animal coming or brought on board the ship at an intermediate port.	
	18. In the event of any animals being imported in an aircraft, these Regulations shall apply, and shall be read and construed as if the word "aircraft" were substituted for the word "ship" wherever the word "ship" appears.	
	19. The Livestock Regulations 1923 and the Dog Importation Regulations 1928, are hereby rescinded.	Rescindment.
	Made by the Governor in Executive Council on the 25th of November, 1947.	
	L. W. ALDRIDGE, <i>Clerk of the Executive Council.</i>	
	M.P. 0301.	

SCHEDULE A.

Section 2.

PROPOSED IMPORTATION.

I hereby give notice that I propose to import into the Falkland Islands the following live animals.

1. Number and description :
2. Where purchased (Country and locality) :
3. Port of shipment :
4. Port at which vessel will enter Falkland Islands :
5. Approximate date of arrival :
6. First port or place at which any animal will be landed :
7. Name of person in the Falkland Islands to whom the animals will be consigned :

N.B.—This notice, of which printed copies may be obtained on application, must be completed in duplicate and forwarded to the Chief Inspector of Stock, Stanley, in order to reach **at least two months** before the Livestock is expected to arrive in the Colony.

SCHEDULE B.

Section 15 (1)

DECLARATION REFERRING TO SOUTH AMERICA.

I do solemnly and sincerely declare that the undermentioned sheep are to the best of my knowledge and belief free from all infectious and contagious diseases and were so at the time of shipment to the Falkland Islands and have not within six months immediately preceding the date hereof been in direct or indirect contact with stock infected with any such diseases and consist of :—

Number.	Sexes.	Breeds.	Brands and Marks.
---------	--------	---------	-------------------

and I further solemnly and sincerely declare that to the best of my knowledge and belief no disease of any animals has existed for six months previous to the shipment of the above mentioned sheep at the place or adjacent thereto from which the said stock are bought and that they have (not) on the way to the port of shipment been driven over any roads open to any sheep which may have been infected with any contagious or infectious disease and/or that the vehicles in which they have been transported to the ship were disinfected with a scab and lice killing preparation before the sheep were loaded thereon, and I make this declaration conscientiously believing the same to be true.

Declared at this day of

(Signature).....

SCHEDULE C.

Section 16.

MINIMUM PERIODS OF QUARANTINE.

Cattle	28 days, or until July (Warble).
Horses	14 days.
Sheep	28 days.
Pigs	30 days.
Goats	30 days.
Dogs	90 days.
Other animals	30 days.

The initial date of Quarantine may be taken from the date of departure of the ship from the port at which the animals were last loaded if the Inspector considers such a step expedient.

FALKLAND ISLANDS.

NOTICE.

An application of Ordinances of the Colony to the Dependencies.

MILES CLIFFORD,

Governor.

In pursuance of the powers conferred on him by Section 3 of the Dependencies Ordinance, 1908, His Excellency the Governor by and with the advice and consent of his Executive Council is pleased to declare by this Notice that from the date hereof the following Ordinances shall apply to the Dependencies, namely :-

The Pensions Ordinance, 1937, and

The Matrimonial Causes Ordinance, 1940,

together with all amending Ordinances.

Made by the Governor in Executive Council at a Meeting held on the 28th day of June, 1947.

J. BOUND,

Acting Clerk of the Executive Council.

M.P. 0188.

FALKLAND ISLANDS.

NOTICE.

Under Section 32 of the Customs Ordinance 1943.

In exercise of the powers vested in him by Section 32 of the Customs Ordinance 1943 and with the advice and consent of the Executive Council His Excellency the Governor is pleased to declare and hereby declares that the following goods imported under Section 30 of the Customs Ordinance 1943 shall be subject to the duty hereinafter specified :

Films, cinematograph

...

The full duty.

By Command,

A. B. MATHEWS,

Colonial Secretary.



ORDINANCES
of the
COLONY
of the
FALKLAND ISLANDS
enacted during the year
1948
together with the
Rules, Regulations, etc., etc.,
made during that year.

PART I.

ORDINANCES.

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

PRICE 13/-.

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

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.. .. 20	Road Traffic Ordinance.

Assented to in His Majesty's name this 14th day of May, 1948.

MILES CLIFFORD,
Governor.

[L.S.]



No. 1

1948.

Colony of the Falkland Islands and its Dependencies.

IN THE TWELFTH YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE VI.
G. M. CLIFFORD, C.M.G., O.B.E., E.D.,
Governor.

An Ordinance To provide for the payment of Duty on Receipts.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Stamp Duty Ordinance, 1948. Short Title.
2. In this Ordinance : Interpretation.

“Receipt” means any note, memorandum, or writing whereby any money amounting to two pounds or upwards, or any bill of exchange or promissory note for money amounting to two pounds or upwards, is acknowledged or expressed to have been received or deposited or paid, or whereby any debt or demand, or any part of a debt or demand, of the amount of two pounds or upwards, is acknowledged to have been settled, satisfied, or discharged, or which signifies or imports any such acknowledgment and whether the same is or is not signed with the name of any person.
3. A duty of twopence shall be paid on each receipt. Such duty shall be denoted by an adhesive stamp or stamps being affixed to the receipt and cancelled by the person by whom the receipt is given before he delivers it out of his hands. Duty.

Penalties

4. If any person —

- (1) Gives a receipt not duly stamped; or
- (2) Refuses to give a receipt duly stamped; or
- (3) Upon a payment to the amount of two pounds or upwards gives a receipt for a sum not amounting to two pounds, or separates or divides the amount paid with intent to evade the duty;

he shall be liable to a fine not exceeding ten pounds.

Exemptions.

5. The following shall be exempt from the operation of this Ordinance —

- (a) Receipts given by the Government of the Colony or an officer thereof acting within the scope of and in the course of his duties.
- (b) Receipts given for or on account of any salary pay or wages or for or on account of any like payment made for the benefit of any person in respect of his employment or for or on account of any pension or superannuation allowance.
- (c) Receipts given in respect of any sums payable under the Workmen's Compensation Ordinance 1937.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

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

Assented to in His Majesty's name this 14th day of May, 1948.

MILES CLIFFORD.
Governor.

[L.S.]

No. 2



1948.

Colony of the Falkland Islands and its Dependencies.

IN THE TWELFTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE VI.

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,
Governor.

An Ordinance

To repeal the Tariff Ordinance 1943 the Tariff (Amendment) Ordinance 1946 and the Oil &c. Export Duties Ordinance 1947.

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

1. This Ordinance may be cited as the Tariff (Repeal) Ordinance 1948. Short title.

2. The Tariff Ordinance 1943, the Tariff (Amendment) Ordinance 1946 and the Oil &c. Export Duties Ordinance 1947 are hereby repealed. Repeal No. 2 of 1943, No. 5 of 1946, No. 3 of 1947.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

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

Assented to in His Majesty's name this 14th day of
May, 1948.

MILES CLIFFORD.

Governor.

[L.S.]

No. 3



1948.

Colony of the Falkland Islands and its Dependencies.

IN THE TWELFTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE VI.

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,

Governor.

An Ordinance

To amend the Licensing Ordinance 1944.

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

1. This Ordinance may be cited as the Licensing (Amendment) Ordinance 1948 and shall be read and construed as one with the Licensing Ordinance 1944, hereinafter referred to as the Principal Ordinance.

Short title.

2. Section 5, subsection (2) of the Principal Ordinance shall be amended by the addition of "Club licence" after "wholesale licence".

Club Licence.

3. The following section shall be inserted after section 9 in the Principal Ordinance.

"9A. (1) A Club licence shall authorise the licensee to sell liquor to members of a club and to the guests of such members only on the premises of the club but the holder of such licence shall not be restricted to the hours specified for the sale of intoxicating liquors in Section 42 hereof.

(2) A club shall mean a society of persons associated together for social intercourse or for the promotion of politics, sports, art, science or literature or similar purpose and shall be subject to such regulations as the Governor in Council may from time to time decide.

(3) Any person operating or controlling a club or taking an active interest therein or being a member, official or servant thereof who shall sell or cause to be sold any liquor on any premises occupied by a club, whether temporarily or permanently, without first obtaining a Club Licence shall be guilty of an offence against this Ordinance."

Fees.

4. Section 10 of the Principal Ordinance shall be amended as follows :

"for a publicans retail licence for six months £15 : 0 : 0.
for a wholesale licence for twelve months £30 : 0 : 0.
for a club licence for twelve months £10 : 0 : 0."

but in all other respects the said section shall remain as promulgated.

Operation.

5. This Ordinance shall come into operation on the 1st day of January, 1949.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE.

Clerk of the Legislative Council.

Assented to in His Majesty's name this 14th day of May, 1948.

MILES CLIFFORD,

Governor.

[L.S.]



No. 4

1948.

Colony of the Falkland Islands and its Dependencies.

IN THE TWELFTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE VI.

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,

Governor.

An Ordinance

To amend the Tobacco Ordinance 1944.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as the Tobacco (Amendment) Ordinance 1948 and shall be read and construed as one with the Tobacco Ordinance 1944 hereinafter referred to as the Principal Ordinance. Short title.

2. Section 4 of the Principal Ordinance shall be amended by the substitution of the words "three pounds" for the words "two pounds" in the fourth line thereof. Licence fee amendments.

3. Section 5 of the Principal Ordinance shall be amended by the substitution of the words "one pound and ten shillings" for the words "one pound" in the fourth line thereof.

4. This Ordinance shall come into operation on the 1st day of January, 1949. Operation.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,

Clerk of the Legislative Council.

FALKLAND ISLANDS :

Printed at the Government Printing Office by H. H. Sedgwick.

FALKLAND ISLANDS :

Printed at the Government Printing Office by H. H. Sedgwick.

Assented to in His Majesty's name this 12th day of June, 1948.

MILES CLIFFORD,
Governor.

[L.S.]

No. 5



1948.

Colony of the Falkland Islands and its Dependencies.

IN THE TWELFTH YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE VI.

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,
Governor.

An Ordinance

To amend the Income Tax Ordinance 1939.

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

1. This Ordinance may be cited as the Income Tax (Amendment) Ordinance 1948 and shall be read and construed as one with the Income Tax Ordinance 1939, hereinafter referred to as "the Principal Ordinance". Short title.

2. Section 21 of the Principal Ordinance is hereby repealed and the following section substituted in lieu thereof :— Rates.

"21. (1) The tax upon the chargeable income of every person other than a company shall be charged at the following rates :—

On the first £100 of such income	...	Nil.
In respect of the excess over £100		
for every pound of the first £100	...	1/6
" " " " " next £250	...	2/-
" " " " " £250	...	2/6
" " " " " £250	...	3/-
" " " " above £950	...	3/6

(2) The Tax upon the chargeable income of a company shall be charged at the rate of three shillings and sixpence on every pound of the chargeable income thereof."

3. Section 15 of the Principal Ordinance shall be amended by the substitution of "eighty" for "fifty" in the last line thereof and by the addition of the following subsections: Deduction in respect of wife and dependants.

"15. (2) Where a widower or widow proves to the satisfaction of the Commissioner that he or she had during the year of assessment a female relative of his or of his deceased wife or of her or of her deceased husband resident with him or her for the purpose of taking charge of his or her children there shall be a deduction not exceeding fifty pounds in respect of that female relative or other female person :

Provided that :

- (a) no deduction shall be allowed under this section unless the claimant proves that no other person is entitled to a deduction in respect of the female relative under the provisions of this Ordinance or if any other person is entitled that he has relinquished his claim thereto; and
- (b) no deduction shall be allowed under this section where the female relative is a married woman living with her husband and the husband has claimed the allowance under subsection (1) of this section.

(3) (a) Where a claimant proves to the satisfaction of the Commissioner that he maintains at his own expense any person being a relative of his or of his wife who is incapacitated by old age or infirmity from maintaining himself, or his or his wife's widowed mother, whether incapacitated or not whose total income from all sources does not exceed fifty pounds a year he shall be entitled to a deduction not exceeding twenty-five pounds a year in respect of each person whom he so maintains and a like deduction shall be made in the case of a claimant who by reason of old age or infirmity is compelled to depend upon the services of a daughter resident with and maintained by him or her.

(b) Where two or more persons jointly maintain any such person as aforesaid the deduction to be made under this subsection shall be apportioned between them in proportion to the amount or value of their respective contributions towards the maintenance of that person.

(c) This subsection shall apply to a claimant being a female person as it applies to a claimant being a male person with the substitution of "husband" for "wife".

Deduction in respect of children.

4. Section 16 of the Principal Ordinance shall be amended by the addition at the end of the first clause, of the following proviso :

"Provided that where a child is receiving full time instruction at any university, college or school abroad, either wholly or partly at the expense of the claimant, the Commissioner may allow a deduction not exceeding one hundred and twenty-five pounds in respect of each such child during such period of instruction."

Repeal.

5. The Income Tax (Amendment) Ordinance 1940 is hereby repealed.

Operation.

6. This Ordinance shall come into operation on the 1st day of January, 1949.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,

Clerk of the Legislative Council.

FALKLAND ISLANDS :

Printed at the Government Printing Office by H. H. Sedgwick.

Assented to in His Majesty's name this 21st day of October, 1948.

MILES CLIFFORD,
Governor.

[L.S.]

No. 6



1948.

Colony of the Falkland Islands and its Dependencies.

IN THE TWELFTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE VI.

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,
Governor.

An Ordinance

To provide for the Repeal of the Dependencies Research and Development Fund Ordinance 1924, and the Dependencies Research and Development Fund (Amendment) Ordinance, 1936.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows —

1. This Ordinance may be cited as the Dependencies Research and Development Fund (Repeal) Ordinance, 1948. Short title.

2. The Dependencies Research and Development Fund Ordinance 1924 and the Dependencies Research and Development Fund (Amendment) Ordinance 1936 are hereby repealed. Repeal of Ordinances No. 6 of 1924 and 1 of 1936.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

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

FALKLAND ISLANDS :

Printed at the Government Printing Office by H. H. Sedgwick.

Assented to in His Majesty's name this 21st day of
October, 1948.

MILES CLIFFORD,
Governor.

[L.S.]



No. 7

1948.

Colony of the Falkland Islands and its Dependencies.

IN THE TWELFTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE VI.

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,
Governor.

**An Ordinance
To amend the Income Tax Ordinance, 1939.**

BE IT ENACTED by the Governor of the Colony of the
Falkland Islands, with the advice and consent of the Legislative
Council thereof as follows —

1. This Ordinance may be cited as the "Income Tax
(Amendment No. 2) Ordinance 1948 and shall be read and con-
sidered as one with the Income Tax Ordinance 1939 (hereinafter
referred to as the Principal Ordinance").

Short title.

2. Section 6 of the Principal Ordinance shall be amended by
the addition of the following proviso :

Amendment to
Principal Ordinance
Section 6.

"Provided that, notwithstanding anything to the contrary
contained in this Ordinance the chargeable income of any persons
engaged on seasonal work in the whaling or sealing industries in
the Colony and Dependencies shall be the actual earnings of any
person not being ordinarily resident in the Colony from such
employment in any one whaling or sealing season, notwith-
standing that the period of employment may extend into two
calendar years".

3. Section 21 (1) of the Principal Ordinance shall be
amended by the addition of the following proviso :

Section 21.

"Provided that, notwithstanding anything to the contrary
contained in this Ordinance, the tax upon the chargeable income
of any persons engaged on seasonal work in the whaling or

sealing industries in the Colony and Dependencies shall be at the following rates :

On the first £100 of such income	Nil
4% of every £ of the next £100	
5%	£200
6%	£200
7%	£200
10%	£200
12½% above ...	£1,000

4. Section 21 of the Principal Ordinance shall be amended by the addition of the following subsections :

"(3) (a) The tax chargeable upon the income of any person engaged on seasonal work shall be payable by the employers who may deduct the amount from earnings of any such persons. The employer, or in the case of a Company the manager or principle officer of the Company, shall at the end of each season render to the Commissioner an account of the earnings of each employee and of the amount of the tax payable in respect of such earnings.

(b) Any person who fails or neglects to render an account due under this subsection shall be guilty of an offence against this Ordinance.

"(4) (a) The account books of the employers shall be at all reasonable times open for inspection by the Commissioner or his duly appointed representative or agent.

(b) Any person who hinders or obstructs the Commissioner or his duly appointed representative or agent in the inspection of any such account books shall be guilty of an offence against this Ordinance".

Commencement.

5. This Ordinance shall come into force on the 1st day of November, 1948.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

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

Assented to in His Majesty's name this 21st day of October, 1948.

MILES CLIFFORD,
Governor.

[L.S.]

No. 8



1948.

Colony of the Falkland Islands and its Dependencies.

IN THE TWELFTH YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE VI.

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,
Governor.

An Ordinance

To provide for an Ordinance to control Lotteries.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Lotteries Ordinance, 1948. Short title.
2. In this Ordinance unless the context otherwise admits : Definitions.
 - "lottery" means a distribution of prizes by lot or chance and shall include betting by totalisator.
 - "promoter" means any person or number of persons associated together for the purpose of operating a lottery.
 - "money" includes a cheque, bank note, postal order or money order.
 - "ticket" means any document evidencing the claim of a person to participate in the chances of a lottery.
 - "totalisator" means the contrivance for betting known as the totalisator or pari-mutuel, or any other machine or instrument of betting of a like nature, whether mechanically operated or not.
3. From and after the date of publication of this Ordinance no lottery shall be operated in the Colony except as hereinafter provided. Every lottery to conform with requirements of Ordinance.

Application for
licence to operate a
lottery.

4. Any person who proposes to operate a lottery shall before taking any steps in respect thereof apply in writing to the Treasurer for a licence so to do and shall in such application state

- (a) the full names and addresses of all promoters
- (b) the number and cash value of all prizes it is proposed to award
- (c) the number of tickets to be issued
- (d) the name of the printer who will print the tickets
- (e) the purchase price of each ticket
- (f) the date, time and place of the intended draw for the prize or prizes

Issue and revocation
of licence.

5. The Treasurer may issue a licence for the purpose of this Ordinance subject to such conditions as may be imposed and at any time may revoke any licence for any reason he may consider just and sufficient.

Payment of 10% of
net amount of monies
collected.

6. (1) It shall be a condition of the grant of a licence that the promoters shall on the day preceding the draw produce to the Treasurer a true balance sheet shewing all monies received and paid for printing and stationery (no other deductions shall be permissible) in connection with the lottery and such evidence as he may require in verification thereof and shall thereupon pay the Treasurer ten per centum of the net amount of the monies available for distribution.

(2) No draw for the lottery shall take place until the requirements of sub-section (1) of this section have been complied with.

(3) The amount so paid to the Treasurer shall be paid into the General Revenues of the Colony.

(4) The provisions of this section shall not apply to a lottery operated in aid of any charitable purpose approved by the Governor.

(5) The Governor may reduce the percentage provided for in sub-section (1) of this section in such cases as he may think fit.

Publication of results
of lotteries.

7. The result of the draw of every lottery shall be published on the day following the draw by broadcast and by exhibiting a list of all prizewinners on the public notice board in Stanley.

Offences.

8. Any person who :

- (a) shall operate or attempt to operate a lottery without obtaining a licence as herein provided, or
- (b) shall not comply with or observe any condition of a licence granted to operate a lottery, or
- (c) shall not comply with the requirements of sections 6 and 7 hereof, or
- (d) shall sell any ticket to any person apparently under the age of seventeen years, whether acting on his own behalf or on behalf of another person, or
- (e) shall buy or accept the transfer of a ticket in a lottery which has not been licenced under this Ordinance

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50 for each offence and in the case of a second or subsequent conviction for an offence under the same section to a fine not exceeding £100 or imprisonment for a term not exceeding 3 months or both such fine and imprisonment.

Provided that it shall be a defence for a person charged only by reason of his being a promoter of the lottery or being a director or officer of a body corporate operating the lottery to prove that the offence was committed without his knowledge.

9. Any Justice of the Peace, if satisfied by information on oath that there is reasonable ground to suspect that any premises are being used for the purpose of the commission of an offence against this Ordinance may grant a warrant under his hand authorising any constable at any time or times within one month from the date thereof to enter, if necessary by force, the said premises and every part thereof and to search for and seize and remove any documents money or valuable thing found therein which he has reasonable ground to suppose are on those premises for any purpose constituting an infringement of this Ordinance.

Power to issue Search
Warrant.

10. The common law of England so far as it is applicable to the Colony by virtue of section 31 of the Interpretation and General Law Ordinance 1900 or any amendment thereof shall not apply to any lottery licensed under this Ordinance.

Common law of
England not to apply.

11. The Governor in Council may make Regulations for the administration of this Ordinance.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

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

Assented to in His Majesty's name this 21st day of
October, 1948.

MILES CLIFFORD,
Governor.

[L.S.]

No. 9



1948.

Colony of the Falkland Islands and its Dependencies.

IN THE TWELFTH YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE VI.

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,
Governor.

An Ordinance

**To authorise the levy of a General
Rate and a Water Rate in Stanley.**

BE IT ENACTED by the Governor of the Colony of the
Falkland Islands, with the advice and consent of the Legislative
Council thereof as follows —

1. This Ordinance may be cited as the Stanley Rates Ordinance 1948. Short title.
2. In this Ordinance unless the context otherwise admits : Interpretation.
 - “Council” means the Town Council of Stanley.
 - “Stanley” means the area contained in the three Wards described in the First Schedule to the Stanley Town Council Ordinance.
 - “Premises” means any lands tenements hereditaments or property in Stanley which are or may become liable to a rate in respect of which the valuation list is conclusive.
 - “Court” means the Supreme Court.
 - “Rate” means a rate the proceeds of which are applicable to purposes of a public nature in Stanley and which is leviable on the basis of an assessment in respect of the annual value of premises in Stanley.
 - “Domestic purposes” mean ordinary and reasonable purposes of domestic life and shall include the use of water for fixed baths, water closets, urinals, hot water, heating, washing cars and carriages and for the watering of gardens forming part of the amenities of the house.

PART I.

GENERAL RATE.

Liability for general rate.

3. (1) A rate shall be made and levied by the Council on the owners (except as hereinafter mentioned) of all premises and shall be assessed on the net annual value of all such premises including those let to a tenant by the Government.

Provided that an owner shall be liable to be rated although the premises are unoccupied at the time of the assessment of the rate.

Recovery of rates from tenants.

Provided also that where rates due are in arrear the Council may serve upon any person paying rent in respect of the premises so rated or any part thereof a notice stating the amount of such arrears of rate and regarding all future payments of rent (whether the same have already accrued due or not) by the person paying the rent to be made direct to the Council until such arrears shall have been duly paid and such notice shall operate to transfer to the Council the right to recover receive and give a discharge for such rent.

(2) Where premises are let by the Government the rate shall be recovered from the tenant exclusively.

Part payment.

4. If any owner assessed or liable to any such rate ceases to be owner of the premises in respect whereof he is so assessed or liable, before the end of the period for which the rate was made, and before it is fully paid off, he shall be liable to pay only such part of the rate as may be in proportion to the time during which he continues to be such owner. In every such case any person becoming owner or occupier of the premises during part of the said period shall pay such part of the rate as may be in proportion to the time during which he continues to be such owner, and it shall be recovered from him in the same manner as if he had been originally assessed or liable.

Exemptions.

5. The following premises and the owners and occupiers thereof are exempt from rateability.

- The property of the Crown (except where let to a tenant).
- Property occupied by the Crown for the purposes of government of the Colony (including property occupied by the Falkland Islands Defence Force).
- Every church chapel or similar building used and maintained exclusively for the public celebration of divine service and not having part of any premises used for human habitation.

Provided, that no such church, chapel or like building so used and maintained as aforesaid shall be deemed or taken to be part of premises used for human habitation by reason only that it communicates therewith.

Rate may be prospective or retrospective.

6. A rate may be made and levied either prospectively in order to raise money for the payment of expenses to be incurred within one year thereafter, or retrospectively in order to raise money for the payment of expenses incurred within one year previously, and at such rate of assessment as the Council shall think fit and as is authorised by this Ordinance, from which rate of assessment there shall be no appeal.

Assessment.

7. A rate shall be made at a certain and equal rate assessed upon the net annual value of all premises liable to be assessed and rated, that is to say, at the rate of one or more shillings or fractions of a shilling for every pound of the net annual value.

Rate must be in a certain form. Schedule.

8. A rate shall contain every particular required under the Form set out in the Schedule hereto, so far as such particulars can be ascertained, and shall be signed by the Chairman of the Council

or the person acting as such at the time of making such rate at the foot thereof, and unless the same be so signed it shall be of no force or effect.

9. A rate shall be due on the 1st day of January in each year and shall be paid in advance. When rate due.

10. Any person who shall remove from any premises in respect of which he may be rated and assessed and leave any rate unpaid, or who shall remove any of his goods from any premises in order to avoid a distress thereon, shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding £10. Penalty on persons leaving rates in arrear.

11. The Council may reduce or remit the payment of any rate on account of the poverty of any person liable to the payment thereof. When rates may be remitted.

12. (1) The Council shall permit every rated inhabitant of Stanley, and every other person authorized in writing by the Governor, to inspect at all reasonable hours every rate made by them, and every account required to be kept by them, paying one shilling for each rate or account inspected, and the Council shall on demand give a copy of or extract from any rate or account to any such inhabitant or other person paying three pence for every hundred words or fraction thereof, and further, the Council shall be liable to a penalty of £10 for every refusal, to be recovered, together with full costs of suit by the party aggrieved in a court of Summary Jurisdiction. Rates may be inspected.

(2) All moneys received by the Council for any inspection, copy of or extract from any rate or account, shall be credited to the rates. Penalty for denial of inspection.

13. The Council shall within 7 days after the making of a rate give notice thereof by publishing the notice in any newspaper circulating in Stanley and by causing the notice to be affixed to the doors of the Cathedral, Chapel of St. Mary and Tabernacle in Stanley and by local broadcast and the rate shall not be valid unless notice is duly given. Publication of rate.

14. (1) Information on the following matters shall be included in the demand note on which the rate is levied Demand notes.

- such description as is reasonably necessary for identification of the premises in respect of which the demand note is issued,
- the net annual value,
- the amount in the pound at which the rate is charged,
- the period in respect of which the rate is made,
- particulars as to any discount admissible for prompt payment.

(2) A demand note may include a demand for any water or other rate, rent or charge payable to the Council.

(3) A demand note shall be sufficiently authenticated if signed by the Town Clerk.

15. The Council may by resolution direct that an allowance by way of discount not exceeding 2½ per centum shall be made on the whole amount due in respect of any rate due from any person who pays the net amount due before such date as the Council may prescribe. Discount.

Provided that such allowance shall be made at the same rate to all persons entitled thereto.

16. The Council shall as soon as practicable after promulgation of this Ordinance appoint an Assessment Committee consisting of five members two of whom shall not be members of the Council and shall appoint any person to fill any casual vacancy caused by Assessment Committee.

death resignation disqualification or otherwise subject to the appointment of any member not being a member of the Council being first approved by the Governor.

Functions of Assessment Committee.

17. The Assessment Committee shall

(1) maintain a book concerning particulars of all premises in Stanley, and shall make such alterations therein as may be required from time to time and from the particulars therein contained prepare a draft valuation list.

(2) on the 1st day of November in every year and not otherwise except by order of the Court devise and forward to the Council the draft valuation list

(3) hold meetings to consider any objection under section 18 hereof made to the draft valuation list and may make such alterations insertions and corrections in the list whether for the purpose of meeting an objection or for any other reason they think proper.

Publication of draft valuation list and objections.

18. The Council shall forthwith on receipt of the draft valuation list as provided in section 17 (2) cause a notice to be published in the manner prescribed for publication of a rate in section 13 that the draft valuation list may be inspected at the office of Treasurer of the Council during the usual office hours and that any person aggrieved by any assessment therein or omission therefrom may lodge an objection within 21 days from such notice.

Valuation conclusive subject to appeal.

19. After the expiration of 21 days from the notice provided for in section 18 should there be no objection to the draft valuation list or notification by the Assessment Committee to the Council of its decision on all such objections the draft valuation list shall subject to any appeal provided for in section 22 and to any amendment as may be ordered by the Court, be conclusive evidence of the net annual value of all premises therein mentioned for all purposes of rating and assessment.

Power of Council to amend rate.

20. (1) The Council may at any time make such amendments in a rate (being either the current or the last preceding rate) as appears to them necessary in order to make the rate conform with the provisions of this Ordinance or any amendment thereof and in particular may

- (a) correct any clerical or arithmetical error in the rate
- (b) correct any erroneous insertions or omissions or any misdescriptions
- (c) make such additions to or correction in the rate as appear to be necessary by reason of
 - (i) any newly erected premises or any premises which were unoccupied at the time of making the rate coming into operation; or
 - (ii) any premises previously rated on a single premise becoming liable to be rated in parts.

Provided that not less than seven days before making any such amendment the effect of which is to alter the amount appearing in the rate as chargeable in respect of any premises the Council shall send notice of the proposed amendment to the owner of the premises and to the occupier if he is liable to pay the rate and shall consider any objection which may be made by him or them.

(2) Every amendment under paragraph (a) or paragraph (b) of the preceding subsection shall have effect as if it were contained in the rate as originally made.

Powers of Assessment Committee: entry and returns.

21. (1) Any member of the Assessment Committee may at all reasonable hours of the day having given one clear days notice in writing enter any premises for the purpose of discharging his duties

and remain therein so long as may be necessary for that purpose and any person preventing or hindering such member from entering or remaining as aforesaid shall be guilty of an offence and shall be liable to a daily penalty of £5.

(2) The Assessment Committee may at any time require the owner of any premises to make a return containing such particulars as may reasonably be required for the purpose of carrying out this Ordinance within 21 days after the service of the notice calling upon him so to do and any person who fails without reasonable excuse to comply with such notice shall on summary conviction be liable to a fine not exceeding £20 and to a further penalty not exceeding £2 for each day during which the default continues after conviction and any person who makes or causes to be made a return which is false in any material particular shall be liable on summary conviction in respect of each offence to a fine not exceeding £50.

22. Any person aggrieved by

Appeals.

- (a) any assessment or rate
- (b) any order or requirement of the Council or Assessment Committee under this Ordinance
- (c) any conviction or order of a Court of Summary Jurisdiction registered or made under this Ordinance
- (d) the refusal of a Court of Summary Jurisdiction to convict or make an order under this Ordinance may within one month after such grievance shall have arisen appeal to the Court in manner provided by the Summary Jurisdiction Ordinance 1902 or any amendment or re-enactment thereof.

Provided that nothing herein contained shall be deemed to authorise an appeal against the rate or assessment hereby authorised unless the same shall be unequal.

23. (1) The Colonial Secretary may within one month from the date of the valuation list appeal to the Court against any assessment in or omission from the said list.

Appeals by Colonial Secretary.

(2) The Colonial Secretary may appeal against the making, registering or omitting to make any order by the Council in prejudice, abridgment or derogation from the rights or privileges of His Majesty or the duties powers or authorities vested in the Governor within one month of such making neglect or omission.

(3) The Colonial Secretary shall not be required to enter into a recognisance to prosecute an appeal.

24. The Court may cause the order of the Court in an appeal to be recorded on the valuation list and the decision upon any appeal shall be conclusive and binding on all parties thereto.

Order of Court.

25. Where there is no provision for the service of notice of appeal or statement of the grounds of appeal the Court may direct upon whom and the manner in which service shall be made.

Service of notice.

26. (1) Any person liable to pay a rate who fails to pay the same when due, or quits or is about to quit any premises without payment of a rate then due may be summoned to appear before a Court of Summary Jurisdiction to shew cause why such rate should not be paid.

Summary proceedings for recovery of rate.

If the defaulter fails to appear or shew sufficient cause for non payment such Court may make an order for the payment of the same and may by warrant cause the same to be levied by distress on the goods or chattels of the defaulter.

(2) The costs of the recovery of arrears of any rate may be added to such arrears.

Charge on premises.

27. (1) Where any rate shall remain unpaid the Council may apply to a Court of Summary Jurisdiction for an order that the amount of rate remaining unpaid together with the costs caused by attempting to collect the same shall be a first charge on the premises and such Court is hereby empowered to make such order.

(2) An order made under this section shall be registered with the Registrar General at Stanley before it shall become effective.

PART II.

WATER RATE.

Liability for water rate.

Domestic purposes.

28. (1) A water rate shall be made and levied by the Council on the owners of all premises in respect of all water supplied for domestic purposes and shall be assessed on the net annual value of all such premises including those let to a tenant by the Government.

(2) Where premises are let by the Government the water rate shall be recovered from the tenant exclusively.

Non-domestic charges.

(3) Where water is supplied or used for non-domestic purposes the following fixed rates shall respectively be charged

	£	s.	d.
Butchers shop	1	10	0
Chicken farm		10	0
Dairy	1	10	0
Garage	1	10	0
Mineral water plant	5	0	0
Photographic business		10	0
Slaughterhouse	2	10	0
Stable		10	0

Provided that the Council may from time to time by resolution require a fixed charge in respect of any other premises or class of premises to which water is supplied for a non-domestic purpose or vary or cancel any fixed charge in respect of water so supplied subject to public notice being given of such resolution as provided in section 13.

Supply by meter.

29. (1) The Council may by resolution, public notice of which shall be given as hereinbefore provided, require water to be supplied by measure to any ship or premises or class of premises and may recover any money payable in respect thereof in the same manner as water rates.

Council may sell or let meters.

(2) When water is supplied by measure the Council shall sell or let for hire at such economical rent as it shall decide, at the option of the consumer, a meter or other instrument for measuring the quantity of water supplied and consumed and the purchase price or rent shall be recoverable in the same manner as water rates.

Power of entry.

(3) When water is supplied by measure officers of the Council may between the hours of 10 a.m. and 4 p.m. enter any premises so supplied in order to inspect any meter or any other instrument or apparatus for measuring water or for the purpose of ascertaining the quantity of water supplied or consumed and for the purpose of removing any water or other apparatus the property of the Council and any person hindering any such officer from entering for any of such purposes shall be liable on summary conviction to a fine not exceeding £5 for each offence.

Exemptions recovery of rates etc.

30. The provisions of Part I of this Ordinance relating to exemptions, assessment, when rate is due, penalty for leaving premises when rate is in arrear, demand notes and recovery of arrears of rate including changing premises shall be applicable to the water rate as if the same had been expressly made in respect thereof.

31. The Council may in addition to any other remedy for the recovery of water rate in arrear herein contained stop the flow of water into the premises in respect of which such rate is payable by cutting the pipe to such premises or by such other means as it may think fit and may recover the cost of such cutting off and of any re-connection in addition to the arrears of water rate.

Power to cut off supply.

Provided that the Council shall before serving notice of intention to cut off require the occupier to pay water rate in arrear in accordance with the second proviso to section 3 and the provisions thereof shall be applicable to the water rate as if the same had been expressly made in respect thereof.

PART III.

GENERAL.

32. No Justice of the Peace shall be incapable of acting in cases arising under this Ordinance by reason of his being a member of the Council or a ratepayer or being liable to contribute to or be benefited by any rate or fund out of which any expenses incurred by the Council under this Ordinance are to be defrayed.

Capacity of Justices.

33. Notices, orders and other documents required or authorized to be served under this Ordinance may be served by delivering them or a true copy thereof to some person on the premises, or if there is no person on the premises who can be served by fixing them on some conspicuous part of the premises.

Notices.

34. All expenses and compensation incurred or payable by the Council in the execution of this Ordinance and not otherwise provided for out of capital raised for that purpose, shall be charged on and defrayed out of the rate.

Defrayment of expenses.

35. Nothing in this Ordinance contained shall prejudice, abridge or derogate from, or be deemed, taken or construed to prejudice, abridge or derogate from, the duties, powers or authorities which now are or at any time hereafter may be lawfully imposed upon or vested in or which heretofore have been exercised by the Governor for the preservation of the peace, safety and good government of the Colony.

Powers of Governor.

36. The Stanley Rating Ordinance 1928 is hereby repealed.

Repeal.

37. This Ordinance shall come into force on the day of publication in respect of the preparation of the draft valuation list by the Assessment Committee under section 17 and all powers in connection therewith and in all other respects on the 1st day of January, 1949.

Commencement.

SCHEDULE.

FORM OF GENERAL RATE.

An assessment made for a general rate, made this day of
in the year one thousand nine hundred and after the rate of in the

Number in Premises Valuation.	Arrears due.	Name of owner.	Description of property rated.	Net annual value.	Amount of rate at

Witness our Common Seal, and the hand of our Chairman, this day of 19

Chairman of the Council.

This printed impression has been carefully compared by me
with the Bill which has passed the Legislative Council, and is found
by me to be a true and correctly printed copy of the said Bill.

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

Assented to in His Majesty's name this 21st day of
October, 1948.

MILES CLIFFORD,
Governor.

[L.S.]

No. 10



1948.

Colony of the Falkland Islands and its Dependencies.

IN THE TWELFTH YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE VI.

G. M. CLIFFORD, C.M.G., O.B.E., F.D.,
Governor.

An Ordinance
To amend and consolidate the law as
to Firearms.

BE IT ENACTED by the Governor of the Colony of the
Falkland Islands, with the advice and consent of the Legislative
Council thereof, as follows —

1. This Ordinance may be cited as "The Firearms Ordinance Short Title.
1948".

2. In this Ordinance Definitions.

"Certificate" means a certificate issued by the Chief
Constable that the holder thereof is permitted to have
in his possession the firearms specified therein.

"Chief Constable" means the Chief Constable or officer
acting in that behalf at Stanley.

"Firearms" means any lethal barrelled weapon of any
description (other than a smooth bore gun with a
barrel not less than 20 inches in length and an air gun)
from which any shot bullet or other missile can be dis-
charged and includes any prohibited weapon whether it
is such a lethal weapon or not, any component part
of such lethal or prohibited weapon and any accessory
to any such weapon designed or adapted to diminish the
noise or flash caused by firing the weapon.

"Firearms dealer" means a person who by way of trade
or business manufactures sells transfers repairs tests or
proves firearms.

"Gun" means a firearm of any description and includes
an air gun air rifle or air pistol.

"Imitation firearm" means anything which has the appearance of being a firearm whether or not it is capable of discharging any shot bullet or other missile.

"Licence" means a licence issued by the Chief Constable authorising the holder to carry a gun.

"Prohibited ammunition" means any ammunition containing or designed or adapted to contain any noxious liquid gas or other thing.

"Prohibited weapon" means (a) any firearm which is so designed or adapted that if pressure is applied to the trigger, missiles continue to be discharged until pressure is removed from the trigger or the magazine containing the missiles is empty or (b) any weapon of whatever description designed or adapted for the discharge of any noxious liquid gas or other thing.

"Public place" means any street, road, footway or open and public place in Stanley to which the public have or are permitted to have access.

"Registered" in relation to a firearms dealer means registered with the Chief Constable.

PART I. REGISTRATION.

Penalty for purchasing or possessing firearms or ammunition without a Certificate.

3. (1) Subject to the provisions of this Ordinance no person shall purchase, acquire, or have in his possession any firearm to which this part of the Ordinance applies without holding a Certificate in force at the time or otherwise than as authorised by such certificate.

(2) Every holder of any firearm shall obtain a certificate not later than the 31st day of December 1948.

(3) Any person who purchases or is in possession of any firearm without a certificate after the 31st day of December 1948 or fails to comply with the conditions of such certificate shall for each offence be liable on summary conviction to a fine not exceeding £50 or imprisonment for a term not exceeding three months or both such fine and imprisonment.

Grant renewal variation or revocation of Certificate.

4. (1) An application for the grant of a certificate shall be made on the form issued for that purpose by the Chief Constable and shall state such particulars as may be required.

(2) A certificate shall be granted by the Chief Constable if he is satisfied that the applicant has good reason for having in his possession the firearm in respect of which the application is made and can be permitted to have the same without danger to the public peace or safety :

Provided that a certificate shall not be granted to a person whom the Chief Constable has reason to believe to be of intemperate habits or unsound mind or to be for any reason unfitted to be entrusted with any firearm.

(3) A certificate shall specify the conditions (if any) subject to which it is held the nature and number of the firearms to which it relates.

(4) An applicant shall pay the sum of five shillings upon the grant of a certificate irrespective of the number of firearms to which it relates.

(5) A certificate shall unless previously revoked or cancelled continue in force for three years from the date when it was granted or last renewed and shall be renewable for a further

period of three years and from time to time and the foregoing provisions shall apply to the renewal as they apply to the grant of a certificate.

(6) The Chief Constable may at any time by notice in writing vary the conditions subject to which the certificate is held and may by notice require the holder to deliver up the certificate to him within 21 days of the date of the notice for the purpose of amending the conditions therein specified.

(7) The Chief Constable may revoke a certificate if

(a) he is satisfied that the holder is of intemperate habits or unsound mind or is otherwise unfitted to be entrusted with a firearm; or

(b) the holder fails to comply with a notice under sub-section (6) of this section requiring him to deliver up the certificate.

(8) Any person aggrieved by a refusal of the Chief Constable to grant him a certificate or renew a certificate or by the revocation of a certificate may appeal to the Magistrate.

(9) The Chief Constable shall, when he revokes a certificate, by notice in writing require the holder to surrender the certificate and if the holder fails to do so within 21 days of the date of the notice he shall be liable on summary conviction to a fine not exceeding £20.

(10) Any person who makes a statement which he knows to be false for the purpose of procuring whether for himself or any other person the grant of a certificate shall be liable for each offence on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £20 or both such imprisonment and fine.

5. The following persons shall be exempt from the requirements of Section 3 of this Ordinance Exemptions.

(1) a registered firearms dealer or his servant in the ordinary course of that business

(2) an auctioneer or his servant in the ordinary course of that business.

(3) a person who has been granted a permit by the Chief Constable to have in his possession a slaughtering instrument

(4) a person carrying a firearm belonging to another person holding a certificate may without himself holding a certificate have in his possession that firearm under instructions from and for the use of that other person for sporting purposes only

(5) a member of his Majesty's forces or a member of the police force in respect of any firearm entrusted to such member in the course of his official duties.

(6) a member of the Falkland Islands Defence Force in respect of any firearm certified by the Commanding Officer thereof as being used by such member for the sole purpose of target shooting.

6. (1) Any constable or customs officer may demand the production of a certificate from a person whom he believes to be in possession of a firearm. Production of Certificate.

(2) If any person upon whom a demand is so made fails to produce the certificate or to permit the constable or customs officer to read the certificate or to show that he is exempt from

holding a certificate under Section 5 of this Ordinance, the constable or customs officer may seize and detain the firearm and may require that person to declare to him immediately his name and address.

(3) Any person who refuses so to declare his name and address or fails to give his true name and address shall be liable on summary conviction to a fine not exceeding £20 and the constable or customs officer may apprehend without warrant any person who refuses so to declare his name or address or of intending to abscond.

Penalty for manufacturing etc. firearms without being registered.

7. (1) No person shall by way of trade or business

- (a) manufacture sell transfer repair test or prove; or
- (b) expose for sale or transfer or have in his possession for sale, transfer, repair, test, or prove any firearms unless he is registered as a firearms dealer.

Provided that it shall be lawful for an auctioneer to have in his possession for sale by auction and to sell by auction such firearm if he has obtained from the Chief Constable a permit for that purpose.

(2) Any person who contravenes the provisions of this section or makes any statement which he knows to be false for the purpose of procuring whether for himself or some other person the grant of a permit shall for each offence be liable on summary conviction to a fine not exceeding £20 or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Registration of firearms dealers.

8. (1) The Chief Constable shall keep a register of firearms dealers and shall enter therein such particulars as may be required by him of any person applying for registration:

Provided that the Chief Constable may refuse to register an applicant if he is satisfied that the applicant cannot be permitted to carry on business as a firearms dealer without danger to the public peace or safety.

(2) An annual fee of £1 shall be paid by each registered firearms dealer.

(3) The Chief Constable may after giving reasonable notice to any person whose name is on the register if satisfied that that person

- (a) is no longer carrying on business as a firearms dealer; or
- (b) cannot be permitted to continue to carry on business as a firearms dealer without danger to the public peace or safety

cause the name of that person to be removed from the register.

(4) Any person aggrieved by a refusal by the Chief Constable to register him as a firearms dealer or by the removal of his name from the register may appeal to the Magistrate.

(5) Any person who for the purpose of procuring the registration of himself or any other person as a firearms dealer makes any statement which he knows to be false he shall for each offence be liable on summary conviction to a fine not exceeding £20 or to imprisonment for a term not exceeding three months or both such fine and imprisonment.

Register of transactions in firearms.

9. (1) A registered firearms dealer shall provide and keep a register of transactions and shall within 24 hours of each transaction enter such particulars relative thereto as may be required by any regulation made under this Ordinance or by the Chief Constable.

(2) A registered firearms dealer shall allow the Chief

Constable at all reasonable times to inspect all stock in hand and the register required to be kept as aforesaid.

(3) Any person who fails to comply with any provisions of this section or knowingly makes any false entry in the said register shall for each offence be liable on summary conviction to a fine not exceeding £20 or to imprisonment for a term not exceeding 3 months or both such fine and imprisonment.

10. When a registered firearms dealer is convicted of an offence against this Ordinance or an offence against the Customs Ordinance relating to the import or export of firearms the Court may order that his name be removed from the register and that any stock in hand in the business shall be disposed of by sale or otherwise in accordance with such directions as may be contained in the order.

Offence by registered firearms dealer.

Provided that any person aggrieved by such an order may appeal to the Supreme Court and the Court may suspend the order pending the appeal.

PART II.

LICENCES.

11. Any person who shall carry a gun otherwise than in a dwelling house or outbuilding yard and enclosed ground adjoining the house without having in force a licence shall be liable on summary conviction to a fine not exceeding £10.

Gun licences.

12. (1) A licence shall be granted by the Chief Constable

Grant of licence etc.

Provided that a licence shall not be granted to a person whom the Chief Constable has reason to believe to be a person of intemperate habits or unsound mind or to be for any reason unfitted to be entrusted with a gun.

(2) A licence shall remain in force for one year expiring on the 31st day of December in each year and a fee of five shillings shall be paid in respect of each year or part of a year during which a licence is held.

(3) The Chief Constable may for any good and sufficient reason revoke any licence if he considers that the grant of it would constitute a danger to public peace or safety.

(4) Any person aggrieved by a refusal of the Chief Constable to grant him a licence or by the revocation of a licence may appeal to the Magistrate.

(5) On conviction for an offence involving the use of a gun under the Wild Animals and Birds Protection Ordinance 1913 or any amendment thereof the Court may revoke the licence.

13. The following persons shall be exempt from the requirements of Section 11 of this Ordinance.

Exemptions.

(1) a registered firearms dealer or his servant in the ordinary course of that business.

(2) a member of His Majesty's forces or a member of the police force in respect of any gun entrusted to such member in the course of his official duties.

(3) a member of the Falkland Islands Defence Force in respect of any gun certified by the Commanding Officer thereof as being used by such member for the sole purpose of target shooting.

14. Any constable or customs officer may require any person using or carrying a gun to produce a licence or to show that he is exempt under Section 13 of this Ordinance and if a person not so

Production of licence.

exempt shall not produce a licence or permit the constable or officer to read such licence or fail on demand to declare immediately his true name and address he shall be liable on summary conviction to a fine of £10.

PART III.

MISCELLANEOUS PROVISIONS AS TO FIREARMS AND AMMUNITION.

Prohibited firearms and ammunition.

15. Any person who shall manufacture, sell, transfer, procure, or otherwise have in his possession any prohibited firearm or ammunition without the written permission of the Governor the Admiralty the Army Council or the Air Council or who shall fail to comply with any condition imposed in respect thereof shall be liable on conviction on indictment to imprisonment for a term not exceeding two years or on summary conviction to imprisonment to a term not exceeding three months or to a fine not exceeding £20 or both such imprisonment and fine.

Restriction on sale or purchase of firearms by young persons.

16. (1) No person under the age of 17 years shall purchase or hire any firearm and no person shall sell or let on hire any firearm to any person whom he knows or has reasonable ground for believing to be under the age of 17 years.

(2) No person under the age of 14 years shall accept as a gift or borrow or have in his possession any firearm and no person shall give or lend or part with the possession of any such firearm to any person whom he knows or has reasonable ground for believing to be under the age of 14 years.

(3) Any person contravening any provision of this section shall for each offence be liable on summary conviction to a fine not exceeding £20 or to imprisonment for a term not exceeding three months or both such fine and imprisonment.

Prohibition on sale etc., to drunk or insane persons.

17. Any person who sells or transfers any firearm or ammunition to, or repairs proves or tests any firearm or ammunition for, any person whom he knows or has reasonable ground for believing to be drunk or of unsound mind shall for each offence be liable on summary conviction to a fine not exceeding £20 or for a term of imprisonment not exceeding three months.

Penalty for possessing firearms with intent to injure.

18. Any person who has in his possession any firearms or ammunition with intent by means thereof to endanger life or cause serious injury to property or to enable any other person by means thereof to endanger life or cause serious injury to property shall whether or not any injury to person or property has been caused be guilty of felony and on conviction on indictment be liable to penal servitude for a term not exceeding 14 years.

Penalty for use and possession of firearms or imitation firearms in certain cases.

19. Any person who makes or attempts to make any use whatever of a firearm or imitation firearm with intent to resist or prevent the lawful apprehension or detention of himself or any other person shall on conviction on indictment be liable to penal servitude for a term not exceeding 14 years.

Provisions as to shortening guns and converting imitation firearms into firearms.

20. Any person other than a registered firearms dealer who shall shorten the barrel of a smooth bore gun to a length of less than 20 inches or shall convert into a firearm any thing which though having the appearance of being a firearm is so constructed as to be incapable of discharging any missile through the barrel thereof shall for each offence be liable on conviction on indictment to imprisonment for a term not exceeding one year or to a fine not exceeding £100 or both such fine and imprisonment or on summary conviction to a term of imprisonment not exceeding three months or to a fine not exceeding £50 or both such fine and imprisonment.

Discharging firearms.

21. Any person who discharges any gun in a public place other than a shot gun or air gun on Stanley Common, shall be liable on summary conviction to a fine not exceeding £5.

PART IV.

GENERAL.

22. (1) When a person is convicted of any offence against Part I of this Ordinance the Court may make such order as to the forfeiture and disposal of the firearm or ammunition as it may think fit and may cancel the certificate held by the person convicted.

Forfeiture of firearms and cancellation of certificate.

(2) Whenever the Court shall cancel a certificate under this section the Chief Constable shall by notice in writing require the holder to surrender it and should the holder fail to do so within 21 days from the date of such notice he shall be liable on summary conviction to a fine not exceeding £20.

23. (1) A Justice of the Peace may if satisfied by information on oath that there is reasonable ground for suspecting that an offence against this Ordinance has been, is being or is about to be committed grant a search warrant authorising any constable named therein

Search for and disposal of firearms or ammunition.

- (a) to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found therein; and
- (b) to seize and detain any firearms or ammunition which he may find on the premises or place or on any such person in respect of which he has reasonable grounds for suspecting that an offence under this Ordinance has been is being or is about to be committed; and
- (c) if the premises are those of a registered firearms dealer to examine any books relating to the business.

(2) The constable may arrest without warrant any person found on the premises whom he has reason to believe to be guilty of an offence under this Ordinance.

(3) The court may order any firearm or ammunition seized and detained by a constable under this Ordinance to be destroyed or otherwise disposed of.

24. Summary proceedings for an offence under this Ordinance shall not be instituted more than six months after commission of the offence.

Summary proceedings.

25. (1) The Governor may by proclamation prohibit

- (a) the exportation of firearms or ammunition to any country or place therein
- (b) coastwise traffic in firearms and ammunition.

Power of Governor as to Proclamations and Regulations.

(2) Any person who contravenes the terms of any Proclamation shall be liable on summary conviction to a term of imprisonment not exceeding three months or to a fine not exceeding £20 for each firearm or parcel of ammunition in respect of which the offence is committed or both such fine and imprisonment.

(3) The Governor in Council may make Regulations for the effective administration of this Ordinance.

26. This Ordinance shall come into force on the date of publication and shall apply to the Dependencies of the Colony.

Application.

27. The Firearms Ordinance 1930 and Section 49 (e) of the Summary Jurisdiction Ordinance 1902 are hereby repealed.

Repeals.
No. 5 of 1930.
No. 5 of 1902.
(Section 49 (e))

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

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

Assented to in His Majesty's name this 21st day of October, 1948.

MILES CLIFFORD,
Governor.

[L.S.]

No. 11



1948.

Colony of the Falkland Islands and its Dependencies.

IN THE TWELFTH YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE VI.
G. M. CLIFFORD, C.M.G., O.B.E., E.D.,
Governor.

An Ordinance

To legalise certain payments made in the year One thousand Nine hundred and Forty-seven in excess of the Expenditure sanctioned by Ordinance No. 6 of 1946.

WHEREAS it is expedient to make further provision for the service of the Colony for the year 1947. Preamble.

BE IT THEREFORE ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows — Enacting Clause.

1. This Ordinance may be cited for all purposes as the Supplementary Appropriation (1947) Ordinance, 1948. Short Title.

2. The sums of money set forth in the Schedule hereto having been expended for the services therein mentioned beyond the amounts granted for those services by the Ordinance providing for the service of the year One Thousand nine hundred and forty-seven, the same are hereby declared to have been duly laid out and expended for the service of the Colony in that year, and are hereby approved, allowed and granted in addition to the sums mentioned for those services in the said Ordinance. Appropriation of excess expenditure for the year 1947.

SCHEDULE.

Number.	Head of Service.	Amount.			
		£	s.	d.	
FALKLAND ISLANDS.					
I.	Pensions	251	0	5	
IV.	Treasury & Customs	6607	2	9	
VII.	Electrical & Telegraphs	460	5	5	
X.	Police & Prisons	10	11	7	
XI.	Medical	739	6	9	
XIV.	Naturalist	49	11	7	
XVII.	Miscellaneous	2062	8	0	
XIX.	Public Works Recurrent	8975	14	11	
XX.	Public Works Extraordinary	4466	6	0	
XXII.	Land Sales	113	18	7	
		£	23736	6	0
DEPENDENCIES.					
I.	Dependencies	£	33778	17	1

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

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

Assented to in His Majesty's name this 21st day of October, 1948.

MILES CLIFFORD,
Governor.

[L.S.]

No. 12



1948.

Colony of the Falkland Islands and its Dependencies.

IN THE TWELFTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE VI.

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,
Governor.

An Ordinance

To provide for the service of the year 1949.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows — Enacting Clause.

1. This Ordinance may be cited for all purposes as the Appropriation (1949) Ordinance, 1948. Short Title.

2. The Governor may cause to be issued out of the Public Revenue and other funds of the Colony and applied to the service of the year ending the 31st December, 1949, a sum not exceeding Two hundred and fifty-five thousand, Two hundred and sixty-five pounds, which sum is granted and shall be appropriated for the purposes and to defray the charges of the several services expressed and particularly mentioned in the Schedule hereto which will come in course of payment during the year 1949. Appropriation of £255,265 for service of year 1948.

FALKLAND ISLANDS :

Printed at the Government Printing Office by H. H. Sedgwick.

SCHEDULE.

Number.	Head of Service.	Amount.		
		£	s.	d.
	FALKLAND ISLANDS.			
I.	The Governor	3580	0	0
II.	Agriculture	4340	0	0
III.	Audit	1042	0	0
IV.	Communications	6304	0	0
V.	Customs	842	0	0
VI.	Ecclesiastical	—	—	—
VII.	Education	11402	0	0
VIII.	Electric Light, Telegraphs and Telephones	11583	0	0
IX.	Land Sales	211	0	0
X.	Medical	10682	0	0
XI.	Meteorological	651	0	0
XII.	Military	568	0	0
XIII.	Miscellaneous	13735	0	0
XIV.	Naturalist	600	0	0
XV.	Pensions	5000	0	0
XVI.	Police and Prisons	2065	0	0
XVII.	Post Office	8502	0	0
XVIII.	Public Works Department	3874	0	0
XIX.	Public Works Recurrent	9620	0	0
XX.	Secretariat & Treasury	8043	0	0
XXI.	Supreme Court	309	0	0
	Total Expenditure chargeable to Revenue	£102953	0	0
XXII.	Colonial Development & Welfare	23795	0	0
XXIII.	Extraordinary Expenditure	24950	0	0
	Total Expenditure	£151698	0	0
	DEPENDENCIES.			
	South Georgia	23414	0	0
	Falkland Islands Dependencies Survey	77058	0	0
	Discovery Committee	3095	0	0
	Total	£255265	0	0

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

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

Assented to in His Majesty's name this 21st day of
October, 1948.

MILES CLIFFORD,
Governor.

[L.S.]



No. 13

1948.

Colony of the Falkland Islands and its Dependencies.

IN THE TWELFTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE VI.

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,
Governor.

An Ordinance

To amend the Workmen's Compensation
Ordinance, 1937.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Workmen's Compensation (Amendment) Ordinance, 1948. Short title.

2. The Workmen's Compensation Ordinance 1937 shall be amended by the substitution of the words "forty-eight" for the words "forty-two" in lines 1 and 2 of Section 4. (1) (b) (i) thereof Amendment to Workmen's Compensation Ordinance 1937. Section 4.

3. This Ordinance shall be read and construed as one with the Workmen's Compensation Ordinance 1937 and shall come into force on the day of publication. Commencement.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

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

Assented to in His Majesty's name this 21st day of
October, 1948.

MILES CLIFFORD,
Governor.

[L.S.]

No. 14



1948.

Colony of the Falkland Islands and its Dependencies.

IN THE TWELFTH YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE VI.

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,
Governor.

An Ordinance

To regulate and control prospecting and
mining for radio-active minerals and the
export thereof and for purposes connected
therewith.

BE IT ENACTED by the Governor of the Colony of the
Falkland Islands, with the advice and consent of the Legislative
Council thereof, as follows :—

1. This Ordinance may be cited as the Radio-active Minerals Short title.
Ordinance, 1948.

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

“Colony” means the Colony of the Falkland Islands and
its territorial waters and includes the Dependencies of
the Falkland Islands and their territorial waters;

“licence” means a licence issued under the provisions of
Section 3 of this Ordinance;

“mine”, with its grammatical variations and cognate
expressions, includes all operations for the intentional
winning or obtaining of any radio-active mineral:

“permit”, means a permit issued under the provisions of
Section 6 of this Ordinance;

“prospect”, with its grammatical variations and cognate
expressions, means to search for any radio-active
mineral and includes such working as is reasonably
necessary to enable the prospector to test the radio-
active mineral-bearing qualities of the area concerned.

“radio-active mineral” means any substance specified in
the Schedule to this Ordinance.

Prospecting and mining restricted.

3. Notwithstanding anything in the Mining Ordinance, 1918 as amended by the Mining (Amendment) Ordinance, 1919, or any other enactment, no person shall within the Colony prospect for or mine, or attempt to prospect or mine, any radio-active mineral except under and in accordance with a licence granted by the Governor.

Holder of licence to report his operations.

4. Every holder of a licence shall within the first week of every month furnish the Colonial Secretary with a true report in writing of the prospecting and mining operations conducted by him in the immediately preceding month with respect to radio-active minerals.

5. The holder of any prospecting licence or mining lease under the Mining Ordinance 1918 or the lessee of such mining lease shall immediately notify the Colonial Secretary of the discovery of any radio-active minerals and shall not remove them from the mining land without the consent of the Governor.

Export restricted.

6. Notwithstanding anything in the Customs Ordinance or any other enactment, no person shall export, or attempt to export, from the Colony any radio-active mineral except under and in accordance with a permit granted by the Governor in that behalf.

Grant of licence or permit discretionary.

7. The grant of a licence or a permit shall be in the absolute discretion of the Governor who shall be under no obligation to assign any reason for refusing the grant thereof.

Form of licence and permit.

8. Every licence and permit shall be in such form and for such period and be subject to the payment of such a fee as the Governor may determine, and shall contain such terms and conditions as he may think fit to impose.

Compulsory vesting in Governor of right to work minerals.

9. (1) Where it appears to the Governor that any radio-active minerals are present in or on any land, he may by order provide for compulsory vesting in him the exclusive right, so long as the order remains in force, to work those minerals and any other minerals which it appears to him to be necessary to work with these minerals, and may also provide, by that order or a subsequent order, for compulsorily vesting in him any other ancillary rights which appear to him to be necessary for the purpose of working the minerals aforesaid including (without prejudice to the generality of the foregoing provisions) -

- (a) rights to withdraw support;
- (b) rights necessary for the purpose of access to or conveyance of the minerals aforesaid or the ventilation or drainage of the workings;
- (c) rights to use and occupy the surface of any land for the purpose of erecting any necessary buildings and installing any necessary plant in connection with the working of the minerals aforesaid;
- (d) rights to use and occupy for the purposes of working the minerals aforesaid any land forming part of or used in connection with an existing mine or quarry, and to use or acquire any plant used in connection with any such mine or quarry; and
- (e) rights to obtain a supply of water for purposes connected with the working of the minerals aforesaid, or to dispose of water or other liquid matter obtained in consequence of working such minerals.

(2) Any order made under this section shall provide for the payment of compensation in such cases and subject to such conditions as may be specified in the order or determined thereunder, in respect of loss suffered as the result of the acquisition or exercise

of rights under the order, but no account shall be taken, in calculating the compensation payable as aforesaid, of the value of any minerals present in or on land affected by the order, being minerals specified in the order as those from which, in the opinion of the Governor, any radio-active minerals can be obtained.

(3) Any order made under this section shall be published in the Gazette and shall be served -

- (i) where the land affected is the subject of a mining lease, or an exclusive prospecting licence, granted under the Mining Ordinance, 1918, on the lessee, or the holder of such licence; or
- (ii) in all other cases, upon the owner, lessee or occupier of any land affected by the order.

(4) No order made under this section shall have effect until it has been laid before the Executive Council and has been brought into operation in accordance with the provisions of this section.

(5) No order made under this section shall be laid before the Executive Council until the requirements of sub-section (3) have been complied with and until the period of at least one month has elapsed from the date upon which it is published in the Gazette.

(6) An order made under this section and confirmed by the Executive Council shall have full force and effect with or without amendment, as the case may be, as from the date of publication in the Gazette of the resolution of the Executive Council confirming the same.

(7) If any petition against the order is received by the Governor, he shall refer such petition to a Select Committee of the Executive Council for a report thereon and no resolution shall be taken on the order by the Executive Council until the report of the Select Committee has been laid on the table.

(8) If any petition raises separate and conflicting claims in respect of any interest or title in the lands affected, the Executive Council may, by the resolution in respect of the order, direct that such claims be determined by arbitration as provided in the Public Lands Ordinance 1902 or any amendment thereof.

10. (1) The Governor may compulsorily acquire -

- (a) any minerals, being minerals from which in the opinion of the Governor any radio-active minerals can be obtained, other than minerals in a natural state or contained in a deposit of waste material obtained from any underground or surface working;
- (b) any plant designed or adapted for the production or use of atomic energy or research into matters connected therewith,

Acquisition of minerals and plant.

and in the case of any plant which is affixed to land, the Governor may sever it from the land, and shall in that case make good any damage caused by the severance.

(2) If the Governor and the person affected by the acquisition of any article under this section are unable to agree as to the compensation to be paid in respect of such acquisition or if any doubt arises as to the ownership of any such article, the matter shall be settled by arbitration as provided in the Public Lands Ordinance 1902 or any amendment thereof.

11. (1) Every person who -

- (a) prospects for or mines, or attempts to prospect for or mine, any radio-active mineral within the Colony without a licence; or

Offences.

- (b) being the holder of a licence, prospects for or mines, or attempts to prospect for or mine, any radio-active mineral within the Colony otherwise than in accordance with any term or condition of his licence; or
- (c) being the holder of a licence, fails to comply with the requirements of section 4 of this Ordinance; or
- (d) exports, or attempts to export, from the Colony any radio-active mineral without a permit; or
- (e) being the holder of a permit, exports, or attempts to export, from the Colony any radio-active mineral otherwise than in accordance with any term or condition of his permit; or
- (f) obtains, or attempts to obtain, a licence or permit by means of any false statement or representation; or
- (g) being the holder of a prospecting licence or mining lease granted under the Mining Ordinance 1918 or the lessee of a mining lease granted under the said Ordinance, fails to comply with the provisions of Section 5 of this Ordinance;

shall, upon summary conviction, be liable to imprisonment for twelve months or to a fine of five hundred pounds or to both such imprisonment and fine.

(2) The Court before which any person is convicted of an offence under subsection (1) of this section shall order the forfeiture to His Majesty of any radio-active mineral or prospecting or mining apparatus derived from, or employed in the commission of, any act in respect of which such person was convicted.

Powers of examination, arrest &c.

12. (1) Any police officer not below the rank of sergeant, and any other officer or class of officers authorised in writing by the Governor in that behalf, may, for the purpose of enforcing the provisions of this Ordinance, without warrant or other legal process —

- (a) enter and search any place where he has reasonable grounds for suspecting that an offence under this Ordinance has been, or is about to be, committed;
- (b) search any person whom he has reasonable grounds for suspecting to have committed, or to be about to commit, an offence under this Ordinance;
- (c) arrest any person whom he has reasonable grounds for suspecting to have committed, or to be about to commit, an offence under this Ordinance.
- (d) seize any radio-active mineral or prospecting or mining apparatus connected therewith which he has reasonable grounds to suspect to be, or to be about to be, derived from, or employed in, the commission of any offence under this Ordinance.

(2) Where any person is arrested, or any radio-active mineral or prospecting or mining apparatus is seized, under the provisions of subsection (1) of this section, such person, mineral and apparatus shall, as soon as practicable, be brought before the nearest Magistrate.

(3) Every person who obstructs, or attempts to obstruct, whether actively or passively, any officer in the execution, or purported execution, of his duties under this section, shall be liable upon summary conviction, to imprisonment for six months or to a fine of one hundred pounds or to both such imprisonment and fine.

Power of Governor to vary Schedule.

13. The Governor may from time to time by Order alter, vary or in any manner amend the Schedule to this Ordinance.

14. Nothing in this Ordinance shall be deemed to absolve any person from compliance with the provisions and requirements of the Mining Ordinance 1918 as amended by the Mining (Amendment) Ordinance 1919 and the Customs Ordinances or any regulations made thereunder. Saving.

15. The Governor in Council may make such regulations Regulations. under this Ordinance as he may deem to be necessary or expedient.

SCHEDULE.

- (1) Minerals of the pitchblende group, including pitchblende, uraninite, urlichite, broggerite, cleveite, and related mineral species.
- (2) Tobernite and autunite.
- (3) Secondary uranium minerals other than tobernite and autunite, including rutherfordine, uranite uranophane, gummite, thorogummite, uranocircite, kasolite, becquerelite, and other silicates, hydrates, carbonates, phosphates or arsenates of uranium.
- (4) Carnotite and tyuyamunite.
- (5) Uranium-bearing niobate-titanate-tantalate ores, including euxenite, polycrase, blomstrandine, priorite, samarskite, fergusonite, betafite, plumboniobite, and related mineral species containing over one per cent uranium oxide.
- (6) Monazite, thorite, thorianite and radio-active zircon.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

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

FALKLAND ISLANDS :

Printed at the Government Printing Office by R. H. Sedgwick.

Assented to in His Majesty's name this 21st day of
October, 1948.

MILES CLIFFORD,
Governor.

[L.S.]

No. 15



1948.

Colony of the Falkland Islands and its Dependencies.

IN THE TWELFTH YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE VI.

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,
Governor.

An Ordinance

To make provision as to the immunities
privileges and capacities of the United Na-
tions, to confer immunities and privileges on
the staff of the United Nations and represen-
tatives of member governments and in
respect of the premises and documents of
the United Nations and as to the extent to
which representatives of foreign Powers and
staffs of such representatives are entitled to
diplomatic immunities.

BE IT ENACTED by the Governor of the Colony of the
Falkland Islands, with the advice and consent of the Legislative
Council thereof, as follows —

1. This Ordinance may be cited as the United Nations Privileges Ordinance 1948. Short title.

2. In this Ordinance where the context so admits : Definitions.

“United Nations” means the governing body or any
Committee of the General Assembly or any council or
other organ of the United Nations.

3. The Governor in Council may order :

- (a) that the United Nations shall, to such extent as may be specified in the Order, have the immunities and privileges set out in Part I of the First Schedule to this Ordinance and shall also have the legal capacities of a body corporate
- (b) that the immunities and privileges set out in Part II of the First Schedule to this Ordinance shall, to such extent as may be specified in the Order, be conferred on such officers of the United Nations, being the holders of such high office in the United Nations as may be specified in the Order and upon such persons employed on missions on behalf of the United Nations as may be so specified, and upon any person who is a representative of a member government or the General Assembly or any council or other organ of the United Nations
- (c) that the immunities and privileges set out in Part III of the First Schedule to this Ordinance shall, to such extent as may be specified in the Order, be conferred upon such other classes of officers and servants as may be specified
- (d) that the immunities and privileges set out in Part IV of the First Schedule to this Ordinance shall, to such extent as may be specified in the Order, be conferred to the staffs of representatives of member governments and to the families of officers of the United Nations
- (e) that the immunities, privileges and facilities set out in the Second Schedule to this Ordinance shall, to such extent as may be specified in the Order, be conferred on the judges and registrars of the International Court of Justice and on suitors to that Court and their agents, counsel and advocates.

4. The Governor in Council may decline to accord immunities or privileges to, or withdraw immunities or privileges from, nationals or representatives of any Power on the ground that that Power is failing to accord corresponding immunities or privileges to British nationals or representatives.

5. This Ordinance shall apply to the Dependencies.

FIRST SCHEDULE

PART I.

IMMUNITIES AND PRIVILEGES OF THE UNITED NATIONS.

1. Immunity from suit and legal process.
2. The like inviolability of official archives and premises occupied as offices as is accorded in respect of the official archives and premises of the envoy of a foreign Sovereign Power accredited to His Majesty.
3. The like exemption or relief from rates and taxes, other than taxes on the importation of goods, as is accorded to a foreign Sovereign Power in the United Kingdom.
4. Exemptions from taxes on the importation of goods directly imported by the United Nations for its official use in the Colony or for exportation, or on the importation of any publications of the United Nations directly imported by it, such exemption to be subject to compliance with such conditions as the Governor in Council may prescribe.
5. Exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the United Nations for its official use and in the case of any publications of the United Nations directly imported or exported by it.
6. The right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting, of any reduced rates applicable for the corresponding service in the case of press telegrams.

PART II.

IMMUNITIES AND PRIVILEGES OF HIGH OFFICERS, PERSONS OR MISSIONS AND GOVERNMENT REPRESENTATIVES.

1. The like immunity from suit and legal process as is accorded to the envoy of a foreign Sovereign Power accredited to His Majesty.
2. The like inviolability of residence as is accorded to such an envoy.
3. The like exemption or relief from taxes as is accorded such an envoy.

PART III.

IMMUNITIES AND PRIVILEGES OF OTHER OFFICERS AND SERVANTS.

1. Immunity from suit and legal process in respect of things done or omitted to be done in the course of performance of duties.
2. Exemption from income tax in respect of emoluments received as an officer or servant of the United Nations.

PART IV.

IMMUNITIES AND PRIVILEGES OF REPRESENTATIVES STAFF AND OF HIGH OFFICERS FAMILY.

Where any person is entitled to such immunities and privileges as are mentioned in Part II of this Schedule

- (a) as the representative of a member Government, his official staff accompanying him as such representative shall also be entitled to those immunities and privileges to the same extent as the retinue of an envoy of a foreign Sovereign Power accredited to His Majesty is entitled to the immunities and privileges accorded to the envoy

- (b) as an officer of the United Nations, that person's wife or husband and children under the age of twenty one shall also be entitled to those immunities and privileges to the same extent as the wife or husband and children of an envoy of a foreign Sovereign Power accredited to His Majesty are entitled to the immunities and privileges accorded to the envoy.

SECOND SCHEDULE.

1. Except in so far as in any particular case any privilege or immunity is waived by the Court, the Judges and Registrar of the International Court of Justice (including any officer of the Court acting as Registrar) shall when engaged on the business of the Court and during any journey to and from the place where the Court is sitting in connexion with such business, enjoy the like immunity from suit and legal process, the like inviolability of residence and also unless they are British subjects whose usual place of abode is in the United Kingdom the like exemption or relief from taxes as is accorded to an envoy of a foreign Sovereign Power accredited to His Majesty.

2. The Judges and Registrar of the International Court of Justice shall enjoy exemption from income tax in respect of all emoluments received by them as Judges or Registrar.

3. Except in so far as in any particular case any privilege or immunity is waived by the government whom they represent before the Court, the agents, counsel and advocates of parties before the Court shall enjoy :-

- (a) When engaged on their missions before the Court and during their journeys to and from the place where the Court is sitting in connexion with such missions, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability for all papers and documents
- (b) Immunity from legal process of every kind in respect of words spoken or written and all acts done by them in this capacity
- (c) When engaged on their missions before the Court and during their journeys to and from the place where the Court is sitting in connexion with such mission, the like exemption or relief from taxes is accorded to an envoy of a foreign Sovereign Power accredited to His Majesty, save that the relief allowed shall not include relief from customs or excise duties or purchase tax except in respect of goods imported as part of their personal baggage. The provisions of this paragraph shall not apply to British subjects whose usual place of abode is in the United Kingdom.

OBJECTS AND REASONS.

The object of this Ordinance is to confer diplomatic immunities and privileges on the staff and representatives of member governments of the United Nations in accordance with a resolution of the General Assembly of the United Nations and an enactment of Parliament.

M.P. 85/46.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

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

Assented to in His Majesty's name this 31st day of December, 1948.

MILES CLIFFORD,
Governor.

[L.S.]

No. 16



1948.

Colony of the Falkland Islands and its Dependencies.

IN THE THIRTEENTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE VI.

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,
Governor.

An Ordinance

To provide for the Nomination and Election of Members to the Legislative Council.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

PART I.

PRELIMINARY.

1. This Ordinance may be cited as the Legislative Council (Elections) Ordinance, 1948. Short title.
2. In this Ordinance where the context so admits : Definitions.
 - "Member" means a member of the Legislative Council.
 - "Register" means a register of electors compiled in accordance with the provisions of this Ordinance.
 - "Council" means the Legislative Council.
 - "Order-in-Council" means The Falkland Islands (Legislative Council) Order-in-Council, 1948.
 - "Qualifying period" means
 - (a) in respect of the first register, twelve months ending on the 31st day of December 1948, and
 - (b) in respect of any subsequent register, twelve months ending on the 31st day of October in any year or twelve months ending on the last day of the month preceding dissolution of the Council.
 - "Elector" means any person whose name is on the register.

"Corrupt practice" means treating, bribery, undue influence and personation committed by or with the consent of a candidate or by a person acting under the authority of a candidate.

"Election officer" includes every returning officer, presiding officer, clerk or other person having any duty to perform pursuant to this Ordinance.

"Electoral area" means an electoral area as constituted by the Order-in-Council.

Representation of
Electoral areas.

3. Four members shall be elected to the Legislative Council in accordance with the provisions of this Ordinance to represent the following electoral areas:

(1) Two members shall be elected for the area of Stanley as defined in the Stanley Town Council Ordinance.

(2) One member for the remaining part of that area known as the East Falklands.

(3) One member for that area known as the West Falklands.

Governor to nominate
on failure to elect.

4. In the event of no member or an insufficient number of members being elected for an electoral area the Governor shall nominate an elector in the area in which no member or an insufficient number of members has been elected to be a member.

PART II.

REGISTRATION AND QUALIFICATION OF ELECTORS.

Claims for registration
as electors.

5. (1) The Colonial Secretary shall forthwith on the promulgation of this Ordinance and on the 1st day of November in each fourth year thereafter or when the Governor in Council shall so decide publish a notice in the Gazette and by such other means as the Governor shall decide requiring all persons who are desirous of having their names entered on the register for the electoral area in which they reside to forward their claims within 28 days from the date of publication of the notice to the registration officer appointed for such electoral area.

(2) A claim under sub-section (1) of this section shall be in the Form A in the Schedule hereto and shall not be admitted unless it is signed by the claimant.

Qualification of
electors.

6. Any person who

(a) is a British subject who has attained the age of 21 years, and

(b) is not subject to any legal incapacity, and

(c) has resided in the electoral area during the qualifying period

shall be qualified to be registered as an elector.

Provided that temporary absence from an electoral area for a period not exceeding four months shall not disqualify a person from being registered.

Provided also that no person shall be entitled to be registered in more than one electoral area at the same time.

Appointment of
Registration Officers.

7. The Governor shall appoint one or more registration officers and a returning officer for each electoral area.

Preparation of
registers.

8. (1) The registration officer shall upon the expiration of the period of 28 days provided for in Section 5 (1) prepare a register for the electoral area in respect of which he is appointed.

(2) The names of all voters on the register shall be classified alphabetically in accordance with the initial letter of the surname of each voter and a serial number shall be allotted to each name.

9. The registration officer shall immediately on completion forward the register to the Colonial Secretary who shall cause it to be published in the Gazette, together with a notice as to the place and times when the register may be inspected.

Inspection of register.

10. (1) Any person who is qualified to be registered as an elector and whose name is omitted from the register for his electoral district may apply in writing in the Form A in the Schedule to the registration officer thereof within 14 days from the date of publication of the register in the Gazette to have his name so inserted.

Claims on omission
from the register.
Form A.

(2) The registration officer shall upon receipt of such application forthwith enquire into such application and if necessary hear the applicant within seven days of the receipt of the application and decide thereon.

(3) The registration officer shall forthwith forward a list of names together with serial numbers to be inserted in the register to the Colonial Secretary who shall cause them to be published in the Gazette.

11. (1) An applicant who resides within 20 miles of Stanley and who is dissatisfied with the decision of a registration officer may within seven days from the date thereof appeal to the Magistrate, Stanley, in writing stating the grounds thereof.

Appeal from decision
of registration officer.

(2) An applicant who resides more than 20 miles from Stanley and who is dissatisfied with the decision of a registration officer may within seven days from the date thereof appeal to not less than two Justices (of whom the registration officer shall not be one) sitting in a court of summary jurisdiction stating the grounds thereof.

(3) The Magistrate or Justices shall hear the applicant and determine the appeal within ten days from the date of receipt thereof.

(4) On determination of all appeals the Magistrate or Justices shall forthwith forward to the Colonial Secretary and to the registration officer concerned a statement of the names and serial numbers he has or they have decided shall be inserted in the register and the Colonial Secretary shall cause such statement to be published in the Gazette.

12. The register for the time being in force as published in the Gazette shall be conclusive evidence as to the eligibility or otherwise of a person to vote in an electoral area for the election of a member.

Register conclusive.

PART III.

ELECTIONS.

13. (1) The Governor shall for the purpose of every general election of members and of the election of members to fill vacancies caused by death resignation or otherwise, issue writs of election under the Public Seal directed to the returning officers of the respective electoral areas for which members are to be returned.

Writs of election.

(2) A writ of election shall specify

(a) the day and place at which the returning officer is to receive the nomination of any duly qualified candidate

(b) the day or days and the place or places at which a poll shall be taken

(c) the day on which the writ shall be returnable to the Governor.

(3) The returning officer shall upon receipt of a writ of election proceed to hold the election thereby directed and in manner hereinafter provided.

Notice of election.

14. The Colonial Secretary shall, on the Governor issuing a writ of election cause a copy thereof to be published in the Gazette next following the date thereof and notices thereof to be published in such manner as he shall deem expedient.

Disqualification for candidates.

15. (1) Any person who is registered as an elector in the electoral area for which he is nominated as a candidate except as hereinafter provided shall be qualified to be elected as a member.

(2) No person shall be qualified to be elected as a member who at the time of election :

- (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 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 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 receive a free pardon; or
- (d) has been declared to be of unsound mind under any law in force in the Colony; or
- (e) is a party 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) is not qualified to be registered as an elector under the provisions of this Ordinance, or being so qualified, is not so registered; or
- (h) is disqualified for election under this Ordinance by reason of his holding or acting in any office the functions of which involve any responsibility for the compilation of the electoral register, or for, or in connection with the conduct of the election; or
- (i) has not ordinarily resided in the Colony for a period of not less than 12 months; or
- (k) is disqualified under this Ordinance for offences connected with the election of members or for election under the Stanley Town Council Ordinance.

16. (1) A candidate shall be nominated in writing in the Form B in the Schedule by a proposer and seconder who shall be electors in the electoral area for which the candidate seeks election and whose signatures shall be witnessed by a Justice of the Peace.

Nomination of candidates.
Form B.

(2) The nomination paper shall also be signed by seven other electors in the electoral area in which the candidate seeks election whose signatures shall be witnessed.

(3) Every nomination paper accompanied by a deposit of Twenty-five Pounds shall be delivered to the returning officer by the candidate or his proposer or seconder between the hours of 10 a.m. and 12 noon on the day and at the place appointed for the nomination of the candidates.

(4) Nomination papers which are not subscribed to and attested as required by sub-sections (1) and (2) of this section or in respect of which a deposit has not been made as required under sub-section (3) of this section or are delivered after the hour of 12 noon shall be rejected and the nomination deemed void.

(5) No person other than the candidate and his proposer, seconder and one other person selected by the candidate shall except for the purpose of assisting the returning officer be permitted to attend the proceedings during the time appointed for nomination.

(6) The returning officer shall permit the candidates, their proposers, seconders and the persons selected by the candidates as aforesaid to examine the nomination papers of candidates which have been received for the electoral area concerned.

(7) Any objection to a nomination paper shall be made within one hour of the same being delivered to the returning officer whose decision thereon if disallowing the objection shall be final and if allowing the objection shall be subject to reversal on a petition questioning the election or return.

17. A candidate may before 12 noon on the nomination day, but not afterwards, withdraw from his candidature by giving notice to that effect, signed by him, to the returning officer.

Withdrawal of candidate.

18. Where no more candidates than the members required for election under section 3 hereof are nominated as hereinbefore provided the returning officer shall declare such candidate or candidates to be elected and shall forthwith endorse such election on the writ of election and return the writ to the Governor who shall cause a notification of such election to be published in the Gazette.

Where candidates unopposed.

19. (1) When more candidates than the members required for election under section 3 hereof are nominated the returning officer shall declare the date of the poll in accordance with the writ of election and shall forthwith report to the Governor the names of the candidates as described in their respective nomination papers.

Where candidates are opposed.

(2) The Colonial Secretary shall cause a notice to be published in the Gazette and in such other manner as he may deem expedient specifying

- (a) the electoral area for which a poll will be taken
- (b) the day or days and the place or places on and at which a poll shall be taken
- (c) the names of the candidates as described in their respective nomination papers and the names of their proposers, seconders and supporters.

20. If a duly nominated candidate dies before the poll has commenced the returning officer shall upon being satisfied as to the death countermand notice of the poll and report the same to the Governor who shall thereupon issue a fresh writ of election.

Death of candidate before poll is taken.

Provided that no further nomination shall be required in respect of a candidate who had been duly nominated at the time of the countermand of the poll.

Officers at polling station.

21. (1) The Governor shall appoint a presiding officer to preside at each polling station and may appoint a deputy presiding officer or clerk to preside in the unavoidable absence of, or to assist, the presiding officer.

(2) The presiding officer shall keep order at his station, shall regulate the number of electors to be admitted and shall exclude all other persons except the candidate, the agents of candidates and police officers on duty.

Hours of poll.

22. The poll shall open at 9 a.m. and shall close at 5 p.m. on the same day unless the Governor by notice in the Gazette appoints any other hour.

Ballot boxes.

23. (1) Every ballot box shall be so constructed that the ballot papers can be inserted therein but cannot be withdrawn therefrom unless the box be unlocked.

(2) The presiding officer shall immediately before commencement of the poll, show the empty unlocked ballot box to such persons as may be present at the polling station so that they may see that it is empty and shall then lock the box and place his seal upon it in such manner as to prevent it being opened without breaking the seal and shall keep it locked and sealed. He shall place it for the receipt of ballot papers so that it is always in his view.

Ballot papers, Form C.

24. (1) Ballot papers shall be in the Form C in the Schedule hereto, shall be capable of being folded and shall

(a) contain a list of candidates as described in their respective nomination papers with a square adjacent to each name in which the elector can record his vote

(b) have a number printed on the back thereof and a corresponding number printed on the counterfoil attached to the ballot paper.

Deliverance of ballot paper to elector.

25. (1) Immediately before a ballot paper is delivered to an elector it shall be marked on both sides with an official mark.

(2) The serial number in the register shall be marked on the counterfoil and a mark made in the register against the name of the elector denoting that he has received a ballot paper.

Manner of voting.

26. (1) The elector shall take the ballot paper to the place specially provided for voting and there mark the paper by placing the mark X and no other mark, writing or signature opposite the name of the candidate (or in the case of an election in the electoral area of Stanley, two candidates) whom he selects.

(2) An elector shall not be entitled to give more than one vote in respect of each candidate.

(3) The elector shall fold the ballot paper so as to conceal his vote and shall place it so folded into the ballot box.

(4) He shall vote without undue delay and leave the polling station as soon as he has inserted his ballot paper into the ballot box.

Spoilt ballot papers.

27. An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be used as a ballot paper may, on satisfying the presiding officer as to his inadvertence and delivering the ballot paper to him, obtain another ballot paper. The presiding officer shall cancel the ballot paper so spoilt and return it in a separate packet.

Inability to mark ballot paper.

28. If any elector is unable for any good and valid reason to mark his ballot paper the presiding officer shall

(a) mark the ballot paper as the elector directs and insert the paper in the ballot box.

(b) write in the register opposite the name of such elector a statement that the ballot paper was marked by him at the request of the elector and the reason therefor.

29. (1) If a person representing himself to be an elector named in the register applies for a ballot paper after another person has voted as such elector the applicant shall after making the declaration provided in Form D in the Schedule, be entitled to mark a ballot paper (hereinafter called "a tendered ballot paper") in the same manner as any other elector.

Application for ballot paper in name of person who has already voted.
Form D.

(2) A tendered ballot paper shall be different in colour from other ballot papers and shall be delivered to the presiding officer who shall endorse it with the name and serial number of the elector and return it in a separate packet.

30. No person other than the returning officer, presiding officer or clerk shall communicate with an elector at a polling station. The presiding officer may order any other persons so communicating to leave the polling station forthwith.

No communication with elector at polling station.

31. The presiding officer shall as soon as practicable after the close of the poll deliver to the returning officer the ballot box locked and sealed, the marked copy of the register and counterfoils of ballot papers, and the unused, spoilt and tendered ballot papers, together with a list of tendered ballot papers.

Delivery of ballot boxes etc., to returning officer.

32. The returning officer shall cause the votes to be counted as soon as practicable after he has received all ballot boxes relating to his electoral area and shall give notice thereof to each candidate and his agent who shall be entitled to be present at such counting.

Counting votes.

33. (1) The returning officer shall not count any ballot paper which does not have an official mark on both sides or on which votes are given for more than the number of candidates required for election or on which anything except the number is written or marked by which the vote can be identified.

Rejection of ballot papers.

(2) The returning officer shall endorse every ballot paper which he may reject as invalid with the word "rejected".

34. The decision of the returning officer on any question arising in respect of any ballot paper shall be final.

Decision of returning officer final.

35. The returning officer shall not open the sealed packet of tendered ballot papers but shall forward the same to the Colonial Secretary.

Tendered ballot papers.

36. (1) The returning officer shall immediately upon completion of the counting of the votes declare the candidate who has received the greatest number of votes or in the case of an election in the Stanley electoral area the two candidates who have received the greatest number of votes, to be elected.

Declaration of poll.

Provided that a candidate or his agent may apply to have one recount as of right and as many recounts as the returning officer may deem reasonable before the returning officer makes the declaration.

(2) The returning officer shall endorse the name of the successful candidate or candidates on the writ of election and forthwith return the writ to the Governor.

37. When there is an equality of votes the returning officer shall endorse the writ of election accordingly and forthwith return the writ to the Governor who will inform the Council at the first meeting thereof after the election and the council shall before proceeding with any other business elect one of such candidates to serve on the Council.

Equality of votes.

Disposal of ballot papers.

38. (1) The returning officer shall after he has declared the result of the poll seal up all ballot papers and all other documents relating to the election and forward them to the Colonial Secretary in such manner as the Governor may direct.

(2) The Colonial Secretary shall retain all papers and documents so forwarded to him for a period of six months and then unless otherwise directed by the Governor, cause them to be destroyed.

Refund or forfeiture of deposit.

39. (1) A candidate who has obtained one eighth or more of the total number of the votes polled for the electoral area for which he was a candidate for election shall be entitled, upon his obtaining a certificate to that effect from the returning officer, to a refund of the deposit made under the provisions of sub-section 3 of section 16.

(2) The deposit of a candidate who has failed to obtain one eighth of the total number of votes as aforesaid shall be forfeited to His Majesty.

Presentation of election petition.

40. (1) An election petition complaining of an undue return or undue election of a member for an electoral area may be presented to the Judge in Chambers by one or more of the following persons :

- (a) some person who voted or had the right to vote at the election to which the petition relates, or
- (b) some person claiming to have had a right to be returned or elected at such election, or
- (c) some person alleging himself to have been a candidate at such election.

(2) An election petition shall

- (a) be signed by all the petitioners, and
- (b) be presented within 14 days after the date of the return made by the returning officer to the Governor of the member to the election of whom the petition relates unless it challenges the election on an allegation of corrupt or illegal practices and specifically a payment of money or some other act to have been made or done since the date of such return by the member, or on his account, or with his privity it shall be presented within 21 days of such payment or other act.

(3) At the time of presentation of an election petition, or within 3 days thereof, the petitioners shall deposit the sum of £50 with the Registrar of the Supreme Court or give security for such sum by recognisance to be entered into before the said Registrar for the payment of all costs charges and expenses that may become payable by the petitioners to anyone summoned as a witness on his behalf or to the respondent.

(4) The rules made under the Administration of Justice Ordinance shall as to practice and procedure apply to the hearing of an election petition.

PART IV.

OFFENCES.

Offences in connection with registration and elections.

41. (1) Any person who

- (a) registers himself in an electoral area when he is registered in another electoral area, or
- (b) forges or fraudulently defaces or destroys any nomination paper, or delivers a nomination paper to a returning officer knowing the same to be wholly or partly forged, or

- (c) votes, or induces or procures any person to vote knowing that he or such other person is prohibited from voting at such election, or
- (d) before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate, or
- (e) forges or counterfeits or fraudulently defaces or destroys any ballot paper or the official mark on any ballot paper, or
- (f) without due authority supplies a ballot paper to any person, or
- (g) not being authorised so to do under the provisions of this Ordinance makes any mark on any ballot paper issued to any person other than himself, or
- (h) fraudulently takes any ballot paper out of a polling station, or
- (j) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purpose of the election,

shall be guilty of an offence and shall on conviction be liable to imprisonment for a term not exceeding six months.

(2) Any attempt to commit any of the offences specified in subsection (1) of this section shall be punishable in the same manner in which the offence itself is punishable.

(3) In any prosecution for an offence in relation to ballot boxes, nomination and ballot papers and other things in use at an election the property in such ballot boxes, nomination and ballot papers and things shall be deemed to be in the returning officer for the electoral area of such election.

42. (1) Every election officer and agent in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in such station, and shall not communicate, except for some purpose authorised by law, before the poll is closed, to any person any information as to the name or number on the register of electors of any elector who has or has not applied for a ballot paper or voted at that station or as to the official mark; and no person whosoever shall interfere with or attempt to interfere with an elector when marking his vote, or otherwise attempt to obtain in the polling station information as to the candidate for whom any elector in such station is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station as to the candidate for whom any elector in such station is about to vote or has voted, or as to the number on the back of the ballot paper given to any elector at such station.

Duty of secrecy.

(2) Every election officer and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain at such counting the number on the back of any ballot paper, or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper.

(3) No person shall, directly or indirectly, induce any elector to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

(4) Every person who acts in contravention of any of the provisions of this section shall be guilty of an offence and shall be liable on conviction to imprisonment for any term not exceeding six months.

43. (1) Any person who

- (a) applies for a ballot paper in the name of any other

Personation.

person whether that name be of a person living dead or fictitious, or

- (b) having voted once at any election, applies at the same election for a ballot paper in his own name shall be guilty of personation.

(2) Any person aiding, abetting, counselling or procuring the offence of personation shall be punishable in the manner in which the offence itself is punishable.

Offences by election officers.

44. Every election officer who

- (a) makes in any record, return, or other document which he is required to keep or make under this Ordinance, any entry which he knows, or has reasonable cause to believe, to be false, or does not believe to be true, or
- (b) permits any person whom he knows, or has reasonable cause to believe, not to be a blind person, or an incapacitated person, or an illiterate person, to vote in the manner, provided for blind persons, or incapacitated persons, or illiterate persons, as the case may be, or
- (c) refuses to permit any person whom he knows, or has reasonable cause to believe, to be a blind person, or an incapacitated person, or an illiterate person to vote in the manner provided for blind persons, or incapacitated persons, or illiterate persons, as the case may be, or
- (d) wilfully prevents any person from voting at the polling station at which he knows, or has reasonable cause to believe, such person is entitled to vote, or
- (e) wilfully rejects or refuses to count any ballot paper which he knows, or has reasonable cause to believe, is validly cast for any candidate in accordance with the provisions of this Ordinance, or
- (f) wilfully counts any ballot paper as being cast for any candidate, which he knows, or has reasonable cause to believe, was not validly cast for such candidate,

shall be guilty of an offence, and shall be liable on conviction to imprisonment for any term not exceeding two years.

Bribery and treating.

45. (1) Every person who

- (a) directly or indirectly, by himself or by any other person on his behalf gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure, any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce any elector to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such elector having voted or refrained from voting at any election,
- (b) directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises, or promises to procure or to endeavour to procure any office, place, or employment, to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce such elector to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any elector having voted or refrained from voting at any election,
- (c) directly or indirectly, by himself or by any other

person on his behalf, makes any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person, in order to induce such person to procure, or endeavour to procure, the return of any person as an elected member or the vote of any elector at any election,

- (d) upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procures or engages, promises or endeavours to procure, the return of any person as an elected member, or the vote of any elector at any election,
- (e) advances or pays, or causes to be paid, any money to or to the use of any other person, with the intent that such money, or any part thereof, shall be expended in bribery at any election, or who knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election,
- (f) before or during any election, directly or indirectly, by himself or by any other person in his behalf, receives, agrees, or contracts for any money, gift, loan, or valuable consideration, office, place, or employment, for himself or for any person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting, at any election,
- (g) after any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting, at any election,

shall be guilty of bribery.

- (2) (a) Every person who corruptly by himself or by any other person, either before, during, or after an election, directly or indirectly gives or provides, or pays wholly or in part the expenses of giving or providing, any food, drink, entertainment, or provision to or for any person for the purpose of corruptly influencing that person, or any other person, to vote or refrain from voting at such election, or on account of such person or any other person having voted or refrained from voting at such election, and

- (b) every elector who corruptly accepts or takes any such food, drink, entertainment, or provision

shall be guilty of treating.

46. Every person who directly or indirectly, by himself or by any other person on his behalf, makes use of, or threatens to make use of, any force, violence, or restraint, or inflicts, or threatens to inflict, by himself or by any other person, any injury, damage, harm, or loss, upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting, at any election or who by abduction, duress or any fraudulent contrivance, impedes or prevents the free exercise of the franchise of any elector, or thereby compels, induces, or prevails upon, any elector, either to give or refrain from giving his vote at any election, shall be guilty of undue influence.

Undue influence.

47. Any person convicted of an offence under sections 43, 44, 45 and 46 shall be liable to a fine not exceeding £200 or to imprisonment for a term not exceeding one year or both such fine and imprisonment and shall during a period of seven years from the date

Penalties for corrupt practices.

of his conviction be incapable of being registered as an elector, or of voting at an election of a member, or of being elected a member, or if elected before his conviction of retaining his seat as such member.

PART V.

GENERAL.

Corrupt practices
invalidate election.

48. No election of a member shall be valid if any corrupt practice is committed in connection therewith by the candidate elected.

Elector not bound to
disclose for whom he
voted.

49. No elector shall in any legal proceedings be required to state for whom he has voted.

Election expenses.

50. All expenses properly incurred by a registration officer or a returning officer at an election under this Ordinance shall be defrayed from the general revenue of the Colony.

Governor in Council
may make Regula-
tions.

51. (1) The Governor in Council may make regulations :

- (a) prescribing fees to be paid in connection with anything done under this Ordinance,
- (b) prescribing the period during which every employer shall permit his employees to be absent from work for the purpose of registering their votes,
- (c) as to the appointment and duties of election agents and sub agents and the penalties for illegal practices,
- (d) as to expenses which may be incurred by a candidate and the penalties for illegal practices,
- (e) carrying into effect the provisions of this Ordinance.

(2) Such regulations shall be laid on the table of the Council.

Powers to vary dates.

52. The Governor may by order published in the Gazette vary all or any dates mentioned in this Ordinance or any writ of election or order issued thereunder and may substitute other dates in lieu thereof.

SCHEDULE.

FORM A.

FORM OF CLAIM.

To the Registration Officer.

* Electoral Area.

I claim to have my name included in the register of electors for the *
Electoral Area.

Surname (in capitals)

Other names

Address

I certify that I am a British subject, that I have attained the age of 21 years and that I have resided in the Electoral Area for the twelve months ending the 31st
October, 19 .

.....
Applicant.

FORM B.

NOMINATION FORM.

Nomination Paper for

* Electoral area.

1. Name of candidate (in full)
2. Address
3. Name of proposer (in full)
4. Name of seconder (in full)
5. Names of supporters (in full)

Signed by the above named (proposer)
in my presence the

day of 19

Justice of the Peace.

Signed by the above named (seconder)
in my presence the

day of 19

Justice of the Peace.

Signed by the above named (supporters)
in my presence the

day of 19

Handed in at a.m. on the

day of 19

Returning Officer.

FORM C.

BALLOT PAPER.

No.....

FALKLAND ISLANDS.

Legislative Council Elections.

FALKLAND ISLANDS.

Legislative Council Elections.

*Electoral area.

BALLOT PAPER - COUNTERFOIL.

BALLOT PAPER.

Elector's Serial Number.

1.

2.

3.

Official Mark.

REVERSE.

No..... (corresponding with that on counterfoil.)

BALLOT PAPER.

Electoral area of*

Date

FORM D.

DECLARATION.

I, _____ of _____ solemnly and sincerely
declare that I am the same person whose name appears as

No. _____ in the register of elections in force for the*

Electoral area.

Declaration made in the presence of

(Signed)

*Stanley.

Presiding Officer.

East Falkland.

West Falkland.

This printed impression has been carefully compared by me
with the Bill which has passed the Legislative Council, and is found
by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,

Clerk of the Legislative Council.

FALKLAND ISLANDS :

Printed at the Government Printing Office by H. H. Sedgwick.

Assented to in His Majesty's name this 31st day of
December, 1948.

MILES CLIFFORD,
Governor.

[L.S.]

No. 17



1948.

Colony of the Falkland Islands and its Dependencies.

IN THE THIRTEENTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE VI.

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,
Governor.

An Ordinance

To amend the Stanley Town Council
Ordinance.

BE IT ENACTED by the Governor of the Colony of the
Falkland Islands, with the advice and consent of the Legislative
Council thereof, as follows —

1. This Ordinance may be cited as the Stanley Town Council (Amendment) Ordinance and shall be read and construed as one with the Stanley Town Council Ordinance (hereinafter called the Principal Ordinance). Short title.

2. (1) The words "is on the first day of December of the year immediately preceding the year in which the elections lists are" in section 6 (b) of the Principal Ordinance shall be deleted and the words "is resident in Stanley on the 31st day of August in the year in which the register of electors is" shall be substituted therefor. Amendments Section 6.

(2) The following clauses shall be added after section 6 (b) of the Principal Ordinance

"(c) he is a British subject and

(d) he is not subject to any legal incapacity".

(3) The words "in Stanley" shall be substituted for the words "without municipal limits" in line 2 of the first proviso to Section 6 of the Principal Ordinance.

3. (1) The following subsections shall be added after section 8 (2) of the Principal Ordinance : Section 8.

"8. (3) In the case of a contested election the Chairman of the Council shall on or before the fifth day before the day of election give notice of the poll specifying (a) the day and hours Notice of poll.

	fixed for the poll (b) the number of councillors to be elected (c) the full name, place of residence and description of each candidate remaining validly nominated, (d) the names of the two electors of the ward who signed the nomination paper of each candidate (e) the situation of the polling station.	
Death of candidate.	(4) If, after the latest time for delivery of notification as required by section 12 and before the commencement of the poll a candidate who remained validly nominated dies, the Returning Officer shall countermand the poll in respect of the ward for which the deceased candidate was nominated and fix a day not less than 28 days nor more than 42 days after the date of death of the said candidate on which an election shall be held for in respect of the said ward.	
	(2) The words "at the first meeting of the Council after the vacancy has arisen" after the word "gazette" in the last line of section 8 (2) of the Principal Ordinance shall be deleted.	
Section 9.	4. The words "shall perform the duties of returning officer and" after the word "officer" in line 1 of section 9 (1) of the Principal Ordinance shall be deleted and the word "Registration" substituted for "returning" in the marginal note of that section.	
Section 11.	5. The following subsection shall be added after section 11 (2) of the Principal Ordinance :	
Declaration of vacancy.	"(3) Where the elected councillor (1) ceases to reside in Stanley, or (2) becomes disqualified therefor under section 11 or by reason of a breach of the provisions of Part III of this Ordinance or (3) ceased to hold office by reason of failure to attend meetings the Council may forthwith declare his office to be vacant and signify the vacancy by notice signed by the Secretary to the Council affixed to the Council offices. In such case the provisions of section 8 (2) shall apply."	
Section 13.	6. The figures "£10" shall be substituted for the figures "£25" in section 13 (1) of the Principal Ordinance.	
Section 15.	7. The word "Returning" shall be substituted for the word "Registration" in line 1 of section 15 of the Principal Ordinance and in the marginal note to that section.	
Section 18.	8. The word "Returning" shall be substituted for the word "Registration" in line 3 of section 18 of the Principal Ordinance.	
Section 21.	9. The words "Town Clerk" shall be substituted for the words "Secretary of the Council" in line 6 of section 21 of the Principal Ordinance.	
Section 23.	10. (1) The following definition shall be substituted for the definition of "presiding officer" given in section 23 (1) of the Principal Ordinance "Presiding Officer" means the officer appointed by the Returning Officer to preside at a polling station". (2) The following definition shall be inserted after the definition of "Register" given in section 23 (1) of the Principal Ordinance "Returning Officer" means the officer appointed by the Town Council, subject to the approval of the Governor, to conduct an election."	
Section 26.	11. (1) The word "Returning" shall be substituted for the word "presiding" in line 1 of section 26 (1) of the Principal Ordinance. (2) The words "in each ward and each polling place" after the word "station" in line 1 of section 26 (2) of the Principal Ordinance shall be deleted and the word "which" substituted in lieu thereof.	
	12. The following marginal note shall be added to section 36 of the Principal Ordinance - "Mistake in use of ballot paper not to invalidate election".	Section 36.
	13. The words "person presiding at the polling place" after the word "the" in line 2 of section 37 (1) of the Principal Ordinance shall be deleted and the words "presiding officer" substituted therefor.	Section 37.
	14. The words "Returning Officer" shall be substituted for the words "presiding officer" wherever they appear throughout sections 38, 39, 40 and 41 of the Principal Ordinance.	Sections 38, 39, 40 & 41.
	15. The words "Supreme Court" in section 60 subsections (1) and (2) of the Principal Ordinance shall be deleted and the word "Magistrate" substituted in lieu thereof.	Section 60.
	16. The words "at the next succeeding meeting" shall be added after the word "(chairman)" in the last line of section 70 of the Principal Ordinance.	Section 70.
	17. The proviso to section 72 of the Principal Ordinance shall be deleted and the following substituted in lieu thereof : "Provided that no action shall except as provided in section 74, be taken on any recommendation of any committee until it shall have been confirmed by the Council."	Section 72.
	18. The words "every question as to which the voices are equal shall be deemed to be passed in the negative" after the word "that" in line 3 of section 73 of the Principal Ordinance shall be deleted and the words "where the voting is equal the motion shall be deemed not passed" shall be substituted therefor.	Section 73.
	19. The words "Town Clerk" shall be substituted for the word "Secretary" in sections 76 and 128 of the Principal Ordinance.	Sections 76 & 128.
	20. The words "Town Clerk" shall be substituted for the words "Secretary to the Council" in line 4 of section 77 of the Principal Ordinance.	Section 77.
	21. The words "motor vehicles" shall be inserted after the word "possess" in line 1 of section 79 of the Principal Ordinance.	Section 79.
	22. Section 82 of the Principal Ordinance shall be deleted and the following shall be substituted : "82. (1) Any councillor who has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter at any meeting of the Council or any committee he shall at the commencement of the consideration thereof immediately declare his interest and he shall be excluded from the meeting during such consideration. (2) For this purpose a councillor shall be treated as having an indirect pecuniary interest if : (a) he or his nominee is a member of any company or other body with which the contract is made or proposed to be made, or which has a direct pecuniary interest in the matter under consideration, or (b) he is a partner, or in the employment of a person with whom the contract is made or proposed to be made or who has a direct pecuniary interest in the other matter under discussion, or (c) he or she is the husband or wife of and living with such interested person with knowledge of the interest of such person. Provided that this section shall not apply to an interest in a contract as a ratepayer, inhabitant or ordinary consumer of electricity or water or to an interest in any matter relating to the	Section 82.

terms on which the right to participate in any service is offered to the public."

The marginal note to this section shall be deleted and the following substituted therefor :

"Councillor to declare interest in contract with the Council."

Section 83.

23. Section 83 shall be deleted and the following section substituted therefor :

"83. If any councillor shall fail to declare his pecuniary interest in any contract, proposed contract or any other matter as provided in section 82 (1) he shall be liable on summary conviction to a fine not exceeding £50 and such contract or other matter shall be cancelled forthwith unless the Council, with the consent of the Governor, otherwise decides, and no person shall have any claim for damages in respect of such breach or cancellation."

The marginal note to this section shall be deleted and the following substituted :

"Penalty for failure to declare interest in contract."

Section 84.

24. Section 84 of the Principal Ordinance shall be deleted and the following substituted in lieu thereof :

"84. The Council shall have powers to make by-laws but no by-law shall take effect unless it is confirmed by the Governor within six weeks of the date thereof. Every by-law shall be under the Common Seal of the Council and hand of the Chairman, and shall when confirmed be published in the Gazette."

Section 89.

25. Section 89 of the Principal Ordinance shall be deleted and the following substituted in lieu thereof :

"89. Copies of all by-laws shall be available for inspection without payment at the offices of the Council during the normal office hours. Copies shall on application be furnished to any person on payment of such sum as the Council may determine."

Section 94.

26. Section 94 of the Principal Ordinance shall be deleted and the following substituted therefor :

"94. The Council may with the approval of the Governor appoint a Town Clerk at such remuneration as the Governor may determine."

Section 102.

27. The word "complete" shall be substituted for the word "perfect" in line 3 of section 102 (1) of the Principal Ordinance.

Second Schedule paragraph 9.

28. The word "Magistrate" shall be substituted for the words "Clerk of the Court" in line 2 of sub-paragraph (2) and in line 3 of sub-paragraph (3) of paragraph 9 of the Second Schedule to the Principal Ordinance.

Third Schedule.

29. The following clause shall be substituted for clause (b) of the Third Schedule to the Principal Ordinance -

"I have been resident in Stanley during the past twelve months".

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,

Clerk of the Legislative Council.

Assented to in His Majesty's name this 31st day of December, 1948.

MILES CLIFFORD,
Governor.

[L.S.]



No. 18

1948.

Colony of the Falkland Islands and its Dependencies.

IN THE THIRTEENTH YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE VI.

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,
Governor.

An Ordinance

To provide for the exercise of powers
of local government by the Stanley Town
Council.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows --

1. This Ordinance may be cited as the Stanley Town Short title.
Council (Powers) Ordinance, 1948.

2. In this Ordinance where the context so admits : Definitions.

"Council" means the Stanley Town Council as constituted under the Stanley Town Council Ordinance.

"Brigade" means the Stanley Fire Brigade.

"Fire appliances" means engines for extinguishing fires, fire escapes, fire hydrants, pumps, pipes, water buckets and other implements for use in case of fire, or any of them.

"Firemen" means members of the Stanley Fire Brigade.

"Cemetery" means the Stanley Cemetery and any additions thereto and all buildings used in connection therewith.

"Fittings" means pipes, meters, valves, ferrules, cisterns, baths, cocks, soil-pans, water-closets and other appliances of any kind used or intended to be used in connection with the supply and use of water.

"Mains" means mains carrying water from the reservoir and water supply tanks for use in Stanley.

"Electrical fittings" means lamps, bulbs, standards, mains cables, pipes, lines and other appliances of any kind used or intended to be used in connection with the supply and use of electricity.

"Executive Engineer" means the officer-in-charge of the Public Works Department of the Government.

PART I.

FIRE BRIGADE.

Council to control and maintain the Brigade.

3. All fire appliances in Stanley shall vest in the Council which shall

(1) maintain such appliances and any replacements thereof or additions thereto in a good and serviceable condition.

(2) purchase such appliances as and when the same are required.

(3) purchase, maintain, or hire, motor vehicles and horses for drawing fire appliances.

(4) build, provide, or lease, buildings or premises for keeping motor-vehicles, horses and fire appliances.

(5) control and maintain an efficient Brigade.

(6) appoint and may pay men to act as firemen.

(7) give to firemen and other persons reward for exertion in the case of fire and compensation for loss suffered by them in so doing.

Fire Brigade Committee.

4. The Council shall appoint a Committee to supervise all matters in connection with the Brigade.

Appointment of Officers.

5. The Council shall appoint a Superintendent and such other officers as it may deem necessary.

Charge to Shipowners for use of Brigade.

6. The owner of or agent for any ship in respect of which the services of the Brigade have been required shall pay to the Council the actual expenses incurred by the Brigade on the occasion and a reasonable sum for the use of fire appliances and attendance of firemen. In the event of dispute between the Council and such owner or agent as to the sum to be paid the amount shall be finally settled by two Justices sitting in a Court of Summary Jurisdiction.

Contribution by Insurance Companies

7. All fire insurance companies carrying on business in Stanley shall contribute an annual payment equal to one eighth per centum of the capital insured towards the maintenance of the Brigade.

Measures to prevent spread of fire.

8. Any Police Constable acting under the orders of his superior officer and any fireman and any officer of the Council may enter and if necessary break into any building being or reasonably supposed to be on fire, or any building or land adjoining or near thereto, without the consent of the owner or occupier thereof, and may do all acts and things they may deem necessary for extinguishing fire in any such building or for protecting the same or rescuing any person or property therein from fire.

Governor may appoint Inspector.

9. The Governor may at any time appoint an Inspector who shall have full power to test the Brigade as to its efficiency and to inspect and test all fire appliances. The Inspector so appointed shall submit a report thereon to the Governor and the Council shall forthwith take such steps to remedy all such inefficiency and defects as the Governor shall require.

10. Any person who :

Offences.

(1) assaults, resists, impedes or obstructs a fireman in the discharge of his duty,

(2) wilfully damages any fire appliances,

(3) gives or causes to be given any false alarm of fire to the Brigade,

(4) contravenes any by-law (other than a by-law relating to the storage or sale of petrol),

shall on summary conviction be liable to a fine not exceeding £20 or to imprisonment for a term not exceeding three months and in addition shall pay the cost of any damage occasioned by such offence,

(5) contravenes any by-law or condition of any licence granted thereunder relating to the storage or sale of petrol shall be liable on summary conviction to a fine not exceeding £100 or to imprisonment for a term not exceeding twelve months.

PART II.

CEMETERY.

11. The Cemetery shall vest in the Council which shall be responsible for the maintenance and control thereof and be subject to any liabilities in respect thereof.

Vesting of Cemetery.

12. The Council shall appoint a Committee to supervise all matters connected with the Cemetery.

Cemetery Committee.

13. The Council shall not build or permit to be built any dwelling house other than the Caretaker's house within 100 feet of the outer walk or boundary of the Cemetery.

Prohibition of dwelling houses near Cemetery.

14. The Council may permit a chapel to be built in the Cemetery for the performance of the burial service.

Chapel.

15. The Council shall permit part of the Cemetery to be consecrated and shall maintain part of the Cemetery exclusively for the burial of Roman Catholics.

Consecrated ground.

16. The Council may :

Exclusive rights of burial.

(1) define such parts of the Cemetery as it shall deem fit for the purpose of granting exclusive rights of burial therein,

(2) grant or sell the exclusive right of one or more burials in any such parts either in perpetuity or for a limited time,

(3) grant or sell the right of placing a monument, gravestone or enclosure in any such part or a tablet or other inscription on the walls of any Chapel or other building in the Cemetery.

17. (1) The grant of exclusive right of burial or right of placing a monument, gravestone, enclosure, tablet or other inscription as provided in Section 16 shall be in the Form A in the Schedule hereto.

Grant of exclusive right of burial.

(2) Every assignment of an exclusive right of burial shall be in the Form B in the Schedule hereto and shall when executed within the Colony be registered with the Council within two months of execution or when executed outside the Colony be registered with the Council within six months of the date of execution otherwise it shall be void and of no effect.

Assignment.

(3) No body shall be buried in any place in respect of which an exclusive right of burial has been granted without the consent of the grantee thereof.

Burial place to be kept exclusively for grantee.

Grant does not give the right of burial of certain persons in consecrated ground.

(4) No grant of the exclusive right of burial shall give the right to bury within the consecrated part of the Cemetery the body of any person not entitled to be buried in consecrated ground according to the rights and usage of the Church of England or to place any monument gravestone tablet or other inscription respecting any such body within the consecrated part of the Cemetery.

Plan and Register.

18. (1) The Council shall keep and maintain a plan of the Cemetery on a scale sufficiently large to show the site of every place reserved for exclusive right of burial and the numbers thereof and shall enter in a Register to be kept exclusively for that purpose the names and descriptions of the persons to whom exclusive right of burial has been granted.

(2) The Council shall be entitled to demand the sum of 2/6 for the registration of the assignment of the exclusive right of burial in such register.

Power to remove monuments etc. improperly erected.

19. The Council may take down and remove any gravestone, monument, tablet or other inscription and any enclosure placed within the Cemetery without its authority.

Penalty for damaging Cemetery.

20. Any person who shall wilfully destroy or injure any building, wall or fence belonging to the Cemetery or destroy or injure any plant therein or who shall disfigure any wall thereof or put up any bill therein, or on any wall thereof or wilfully destroy, injure, or deface any monument, tablet, inscription, or gravestone or other enclosure within the Cemetery or do any wilful damage therein shall commit an offence and shall on summary conviction be liable to a fine not exceeding £5 in addition to the cost of replacement or repair of the damage caused by him.

Penalty for committing nuisance in the Cemetery.

21. Any person who shall play at any game or sport or discharge firearms, save at a military funeral in the Cemetery or shall wilfully and unlawfully disturb any persons assembled in the Cemetery for the purpose of burying any body therein or who shall commit any nuisance within the Cemetery shall commit an offence and shall be liable on summary conviction to a fine not exceeding £5.

PART III.

WATER SUPPLY.

Water mains vested in Council: Council to maintain.

22. Mains and public fittings in Stanley shall vest in the Council and the Council shall maintain such mains and public fittings in good and serviceable condition and shall supply, lay, fix and efficiently maintain such further mains and public fittings as from time to time may be required.

Appointment of Water Committee.

23. The Council shall appoint a Water Committee to supervise all matters relating to the supply of water in Stanley.

Powers of Council.

24. The Council may by its officials, workmen or agents :
(1) at all reasonable hours enter in and upon any land and premises in Stanley for the purpose of inspecting and repairing any fittings,
(2) after 21 days' notice in writing to the owner or occupier of any land in Stanley enter upon such land for the purpose of laying mains in or upon such land.
(3) The Council may at any time cut off the supply of water to private property in Stanley

(a) whenever any nuisance liable to pollute the water supply or cause damage to the water works exists on that property or in any fittings therein or thereon until such nuisance has been remedied to the satisfaction of the Council, or

- (b) whenever any fittings are out of repair or have not been approved by the Council or are liable to pollute the water supply and the necessary repairs or alterations have not been effected to the satisfaction of the Council within the period prescribed in the written notice by the Council to the owner or occupier of such property, or
(c) whenever the available supply is insufficient by reason of drought or any other unavoidable circumstance, or
(d) whenever it shall be necessary to repair, clean, or alter the water works or any fittings, or
(e) whenever water is used for a purpose other than the purpose for which it is supplied, or
(f) in the case of the continued breach or violation of any requirement of this part of this Ordinance or of any by-law in respect thereof.

25. (1) Any owner of private property in Stanley who is desirous of laying or installing fittings shall apply to the Council for approval thereof and shall lodge with the Council such plans, specifications and other information as it may require.

(2) The laying or installation of fittings on private property shall be at the expense of the owner thereof.

(3) The Council shall convey water to the boundary of private property in Stanley and shall connect the fittings of the owner thereof with the water mains provided that no fittings shall be connected or installed until the same have been approved by the Council.

(4) Any person who shall in Stanley connect or instal or cause to be connected or installed any fittings without the approval of the Council first obtained shall commit an offence.

26. The Council shall give notice to the owner of private property on which any defective fittings are situate requiring such owner to repair such defective fittings to the satisfaction of the Council and in case of non-compliance with such notice the Council may execute such repairs and charge the said owner with the cost thereof and in addition an amount equal to twenty per centum of such cost.

27. The Council may perform any work on behalf of a private person in connection with the laying, installation, maintenance, replacement or repair of any fittings in Stanley and shall receive in payment from such person the actual cost of such work and in addition an amount not exceeding ten per centum of such actual cost.

28. No person shall take water from the public fountains for any other than a domestic purpose.

29. Any person who shall in Stanley :

- (1) put or allow or cause to be put in any main or fitting any cock, valve or other contrivance for drawing water therefrom, or
(2) wilfully damage or cause or allow to be damaged any main or public fitting, or
(3) open, close, or in any way interfere with or cause or allow to be opened or closed or in any way to be interfered with any main or public fitting, or
(4) alter or change or cause or allow to be altered or changed any public fitting with the intent to obtain more water thereby, or

New connections.

Repair of defective fittings.

Council may perform work on behalf of private persons.

Public fountains.

Offences.

(5) commit a breach or violation of the provisions of this Part of this Ordinance or any by-law relating thereto shall commit an offence and shall be liable on summary conviction to a fine not exceeding £50 or to imprisonment for a term not exceeding one year or both such fine and imprisonment: Provided that no person shall be convicted for any of the foregoing offences if he proves that the action taken by him was necessitated by fire.

Payment by Council
for water.

30. The Council shall pay to the Government annually such sum as the Government shall deem necessary for the maintenance and operation of the Water Works.

PART IV.

PUBLIC HEALTH.

Responsibility of
Council in public
health matters.

31. The Council shall be responsible in Stanley for

(1) the maintenance of measures to prevent the spread of any contagious and infectious diseases including the cleansing and disinfecting of houses and buildings,

(2) the removal of house refuse and the cleansing of earth closets, privies, ashpits and cesspools,

(3) the cleansing of watercourses, ditches, drains, roads, streets and lanes and the removal of noxious matter therefrom,

(4) the abatement or removal of nuisances,

(5) the construction of new buildings and reconstruction of other buildings and the sanitary conveniences to be used in connection therewith and the materials to be used,

(6) the removal or demolition of buildings or structures the erection of which has not been approved by the Council and of buildings or structures in such a condition as to constitute a danger to persons living in them or to passengers,

(7) the inspection, drainage, accommodation and cleansing of common lodging houses.

Sewers vesting in and
maintenance by
Council.

32. The sewers in Stanley shall vest in the Council which shall maintain the same in an efficient condition and lay and efficiently maintain any other sewers which may from time to time be required.

Public Health
Committee.

33. The Council shall appoint a Committee to supervise all matters relating to public health.

Street lighting.

34. (1) All electrical fittings used in connection with the supply of electricity for the lighting of streets in Stanley shall vest in the Council.

(2) The Council shall

(a) maintain all such electrical fittings and any replacements thereof and additions thereto in a good and serviceable condition and shall supply, lay, and fix and efficiently maintain all electrical fittings as may from time to time be required for the lighting of streets in Stanley,

(b) have power subject to the approval of the Executive Engineer to open roads for the purpose of laying and repairing electrical fittings and shall be responsible for re-instating any road so opened at its own cost and the satisfaction of the Executive Engineer,

(c) pay the Government the charges for all electric current used for the lighting of streets in Stanley.

35. The Council shall be responsible for the efficient maintenance and control of the swimming-pool (when constructed) and public bath houses and shall have power to make such charges for the use thereof as it may decide.

Public Baths and
swimming-pool.

PART V.

TOWN HALL, PUBLIC LIBRARY AND MUSEUM.

36. (1) All books, papers, manuscripts and documents now forming the Public Library and all objects, trophies and specimens now forming the Public Museum shall vest in the Council which shall efficiently maintain and control a Public Library and Museum.

Council to maintain
Town Hall Public
Library and Museum.

(2) The Council shall purchase and be empowered to receive gifts of papers, documents, objects, trophies and specimens as may from time to time be required or offered.

(3) The Council may make such charges for admission to the Public Museum and for the use or hire of books, papers and documents, in the Public Library and the imposition of fines in connection therewith as it may decide.

(4) The Council shall be responsible for the efficient maintenance and control of the Town Hall (when constructed).

(5) The Council shall appoint a Committee to supervise all matters concerning the Town Hall, Public Library and Museum.

PART VI.

GENERAL.

37. The Council shall exercise all such rights and powers as may from time to time be delegated to it by the Governor in Council.

Delegation of powers
by Governor in
Council.

38. The Stanley Fire Brigade Ordinance 1898, The Stanley Cemetery Ordinance 1914, The Stanley Cemetery Incorporation Ordinance 1914, The Stanley Fire Brigade (Amendment) Ordinance 1928, The Petroleum Spirit Ordinance 1938, The Library and Museum Ordinance 1944 are hereby repealed.

Repeals No. 3 of 1898,
No. 4 of 1914, No. 7 of
1914, No. 3 of 1928,
No. 10 of 1938, No. 5
of 1944.

39. This Ordinance shall come into force on the 1st day of January, 1949.

Commencement.

SCHEDULE.

FORM A.

By virtue of the Stanley Town Council (Powers) Ordinance, 1948, the Stanley Town Council in consideration of the sum of £ now paid by of (the receipt whereof is hereby acknowledged) hereby GRANTS unto the said (the exclusive right of burial in the Stanley Cemetery) (the right of placing a monument, gravestone, enclosure, tablet or other inscription in the Stanley Cemetery).

To HOLD the same unto the said in perpetuity (for years).

Given under the Seal of the Stanley Town Council this day of 19

Chairman.

Town Clerk.

FORM B.

I, of In consideration of the sum of £ now paid to me by (the receipt whereof is hereby acknowledged), as Executor Administrator of the estate of of deceased hereby assign unto (the said) of (the exclusive right of burial in the plot of land numbered) (the right of placing a monument, gravestone, enclosure, tablet or other inscription in the Stanley Cemetery) granted to (one) (to) by a grant dated the day of 19 and all my estate right title and interest therein.

To HOLD the same unto the said (in perpetuity) (for years) subject to the conditions now existing in respect of the said Grant.

In Witness whereof I have hereunto set my hand and seal this day of 19

Witness to the signature of the said

Justice of the Peace.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

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

Assented to in His Majesty's name this 31st day of December, 1948.

MILES CLIFFORD,
Governor.

[L.S.]



No. 19

1948.

Colony of the Falkland Islands and its Dependencies.

IN THE THIRTEENTH YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE VI.

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,
Governor.

An Ordinance To amend the Defence Force Ordinance, 1920.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Defence Force (Amendment) Ordinance 1948 and shall be read and construed as one with the Defence Force Ordinance 1920. Short title.

2. Sections 12 and 13 of the Defence Force Ordinance 1920 are hereby repealed and the following is substituted for Section 13 thereof : Repeals Sections 12 and 13.

"13 (1) Any member who has been returned with efficiency for at least twelve years and has attained the age of forty one years

(a) may at any time thereafter apply in writing to the Commanding Officer to be posted to the Retired List

(b) may at any time thereafter for any reason for which the Commanding Officer may deem fit, subject to the approval of the Governor, be posted to the Retired List and his name shall thereupon be removed from the Active List.

(2) Any member who

- (a) has been returned with efficiency for at least five years and has been certified by a medical officer to be debarred from further service with the Force by reason of physical disability, not being the result of his own misconduct, or
- (b) while on service with the Force, suffers a disability, not being the result of his own misconduct, and has been certified by a medical officer to be debarred from further service with the Force shall be posted to the Retired List and his name removed from the Active List."

(3) Every member on the Retired List may wear uniform and the badges of the substantive rank held by him at the time he was posted to the Retired List, with the approval of the Commanding Officer, at any military function or on any occasion when uniform is permitted to be worn. He shall wear the letters "R.L." below the badge of the Force worn on the shoulder straps.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

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

Assented to in His Majesty's name this 31st day of December, 1948.

MILES CLIFFORD,
Governor.

[L.S.]

No. 20



1948.

Colony of the Falkland Islands and its Dependencies.

IN THE THIRTEENTH YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE VI.

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,
Governor.

An Ordinance

To provide for the Regulation and
Control of Road Traffic.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows —

1. This Ordinance may be cited as the Road Traffic Ordinance 1948. Short title.

2. In the Ordinance and in any regulations made hereunder unless the context otherwise admits : Definitions.

"Cart" or "carriage" means any vehicle drawn by a horse.

"Chief Constable" means the senior police officer for the time being at Stanley.

"Commercial vehicle" means a motor vehicle which is constructed or adapted for use for the conveyance of goods or burden of any description.

"Invalid Carriage" means a mechanically propelled vehicle the weight of which unladen does not exceed 5 cwt. and which is especially designed and constructed and not merely adapted for the use of a person suffering from some physical defect or disability and is used solely by such person.

"Motor Vehicle" means any vehicle propelled by any form of mechanical power and intended or adapted for use on roads.

"Registered" means registered with the Chief Constable.

"Road" includes any street, thoroughfare, highway, lane, court, alley, passage, or open place used or frequented by the public, or to which the public have or are permitted to have access in Stanley or within a radius of four miles of the boundary thereof.

"Trailer" means any vehicle having no independent motive power drawn by a motor vehicle but not including a side car attached to a motor cycle.

"Driver's Licence" means a Licence issued by the Chief Constable enabling the holder to drive a motor vehicle.

Registration.

3. (1) Every motor vehicle in the Colony (except that owned or used by the Governor) not already registered shall be registered within 14 days of the date of commencement of the Ordinance.

(2) Every motor vehicle (except that owned or used by the Governor) brought into the Colony after the commencement of this Ordinance shall be registered within seven days of it being so brought in.

(3) Any person, being the owner of a motor vehicle referred to in subsections (1) and (2) hereof who shall not comply with the provisions thereof shall commit an offence and shall on summary conviction be liable to a fine not exceeding £5.

(4) Every motor vehicle and trailer shall, when on a road, carry prescribed identification marks in such positions as may be prescribed. No other figures and no design or ornamentation shall be placed near to any identification mark in such a manner as to be liable to render it more difficult to read or distinguish such identification mark when the vehicle is in motion.

(5) Any person who shall drive a motor vehicle without its identification mark so fixed or if it is so fixed it is in any way obscured or rendered or allowed to become not easily distinguishable shall commit an offence.

Provided that a person shall not be convicted of an offence under this subsection should he satisfy the Court he has taken all steps practicable to prevent the identification mark being obscured or rendered not easily distinguishable.

(6) Any person to whom any motor vehicle is sold or disposed of shall apply for registration of such motor vehicle within seven days of such sale or disposition. Any person failing to do so shall commit an offence and shall be liable on summary conviction to a fine not exceeding £5.

(7) Any person who forges or fraudulently alters or uses or fraudulently lends or allows to be used by any other person any identification mark shall be liable on summary conviction to a fine not exceeding £50 or to imprisonment for a term not exceeding six months.

Motor Vehicle and Trailer Licences.

4. (1) On and after the 1st day of January, 1949, there shall be charged, levied and paid in respect of motor vehicles and trailers used on roads, duties at the rates shewn in the Schedule hereto.

(2) The duties charged under this section shall be paid annually upon licences to be taken out by the person keeping the vehicle: Provided that a licence may be taken out for periods of less than a year, but not less than three months, on payment of a proportionate part of the appropriate duty.

(3) No duty shall be payable under this section in respect of motor vehicles owned by the Government or the Stanley Town Council.

(4) Any person who, for the purpose of obtaining the grant of a motor vehicle or trailer licence to himself or any other person, knowingly makes any false statement shall be liable on summary conviction to a fine not exceeding £50.

(5) Any person who shall drive, and the owner of any motor vehicle who shall permit any person to drive on a road any motor vehicle, or who shall draw or permit a trailer to be drawn by any motor vehicle, in respect of which a licence under this section shall not be in force, shall on summary conviction be liable to a fine not exceeding £50.

Driver's licences.

5. (1) Any person, not being the holder of a driver's licence in force, who shall drive a motor vehicle on a road and any person who causes or permits any person who is not the holder of a driver's licence in force to drive a motor vehicle on a road shall be guilty of an offence.

(2) Any person who being the holder of a driver's licence in respect of one class of motor vehicle shall drive a motor vehicle of another class on a road shall be guilty of an offence.

(3) A driver's licence shall not be granted until the applicant has passed a test as to his fitness and ability to drive a motor vehicle, and shall not be granted to:

(a) a person under the age of 16 years in respect of a motor cycle or a person under the age of 18 years in respect of any other class of motor vehicle, or

(b) a person suffering from such disease or physical disability as would be likely to cause the driving by him of a motor vehicle to be a source of danger to the public.

(4) For the purpose of enabling an applicant for the grant of a driver's licence to learn to drive a motor vehicle with a view to passing a test under this section the Chief Constable may on payment of a fee of 5/- grant him a provisional licence to be in force for three months subject to the conditions prescribed in Regulation 4 (4) of the Road Traffic Regulations, 1948. Any person having a provisional licence who fails to comply with any of such conditions shall be guilty of an offence.

(5) Where there is reason to believe that the holder of a driver's licence is suffering from a disease or physical disability likely to cause the driving by him of a motor vehicle to be a source of danger to the public the Chief Constable may revoke the licence.

(6) Any person aggrieved by the refusal to grant, or the revocation of a driver's licence under this section may appeal to the Magistrate who may make such order as he thinks fit.

(7) Any person who for the purpose of obtaining the grant of a driver's licence to himself or any other person knowingly makes any false statement shall be liable on summary conviction to a fine not exceeding £50.

(8) Any Court before which a person is convicted of an offence in connection with the driving of a motor vehicle:

(a) may order him to be disqualified for holding or obtaining a driver's licence for such period as the Court thinks fit;

(b) shall on a conviction for an offence against sections 6 (1) or 8 hereof (unless the Court for special reasons thinks fit to order otherwise and without prejudice to the power of the Court to order a longer period of disqualification) order him to be disqualified for holding or obtaining a licence for a period of twelve months from the date of conviction.

(9) The Court may order that the particulars of any conviction and of any disqualification to which a convicted person has become subject shall be endorsed on the driver's licence held by the offender.

(10) Any person in respect of whom the Court has ordered his driver's licence to be endorsed who shall fail to produce

such licence to the Court within seven days of the date of conviction shall be guilty of an offence.

(11) If any person who is disqualified for holding a licence applies for and obtains a licence while so disqualified or being a person whose licence has been endorsed applies for and obtains a licence without giving particulars of the endorsement shall be guilty of an offence and any licence so obtained shall be of no effect.

(12) Any person driving a motor vehicle on a road who shall fail to produce his driver's licence when so required by a police constable shall be guilty of an offence provided that if he shall within three days after being so required to produce his licence produce the same to the Chief Constable he shall not be convicted of an offence under this sub-section.

(13) When an order has been made in respect of a person under subsection (9) of this section requiring the endorsement of a driver's licence held by him he shall be entitled subject to the payment of the fee of five shillings and subject to the surrender of his licence to have issued to him a new licence free from endorsement if he has during a continuous period of three years or upwards since the order was made had no such order made against him. Provided that in reckoning the said continuous period of three years any period during which the person was by virtue of the order disqualified for holding or obtaining a licence shall be excluded.

Third Party Insurance.

6. (1) Any person who shall drive or cause or permit any other person to drive a motor vehicle on a road unless there is in force in relation to the user of the vehicle by that person or that other person as the case may be a policy of insurance in respect of third party risks shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding £50 or to imprisonment to a term not exceeding three months or to both such fine and imprisonment.

(2) Any person driving a motor vehicle on a road who shall fail to produce his certificate of insurance when so required by a police constable shall be guilty of an offence provided that if he shall within three days after being so required to produce his certificate produce the same to the Chief Constable he shall not be convicted of an offence under this subsection.

Safety precautions.

7. Any person who shall drive a motor vehicle on a road unless it is fitted with lights, warning instrument, safety glass, wind-screen wipers, a reflecting mirror, a silencer, tyres and adequate brakes as prescribed by the Regulations hereunder shall commit an offence.

Dangerous driving.

8. Any person who :

(1) drives a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition, and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be on the road, or

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

(a) on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding four months, and in the case of a second or subsequent conviction either to a fine not exceeding one hundred pounds or to such imprisonment as aforesaid or to both such fine and imprisonment;

(b) on conviction on indictment to imprisonment for a term not exceeding six months or to a fine, or to both such fine and imprisonment;

(3) drives a motor vehicle in Stanley at a speed greater than twenty miles per hour shall commit an offence, Excessive speed.

(4) drives a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road shall commit an offence, or Careless driving.

(5) contravenes any of the regulations relating to the use of motor vehicles made hereunder shall commit an offence,

(6) drives a motor vehicle on the pavement or footway of a road or without lawful authority on a public jetty shall be guilty of an offence and shall be liable in the case of a first conviction to a fine not exceeding £5 and in the case of a second or subsequent conviction to a fine not exceeding £10. Provided that a person shall not be convicted of an offence under this sub-section if he satisfies the court that the motor vehicle was driven for the purpose of saving life or extinguishing fire or any like emergency. Driving on footway or public jetty.

9. (1) Any person who takes and drives away any motor vehicle without having either the consent of the owner thereof or other lawful authority shall be liable (a) on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £50; (b) on conviction on indictment to imprisonment for a term not exceeding twelve months or to a fine not exceeding £100 or both such fine and imprisonment. Provided that if the Court is satisfied that the accused acted in the belief that he had lawful authority, or in the reasonable belief that the owner would in the circumstances of the case have given his consent if he had been asked therefor, the accused shall not be liable to be convicted of the offence. Taking vehicle without owner's consent.

(2) Any police constable may arrest without warrant any person reasonably suspected by him of having committed or attempting to commit an offence under this section.

10. Any person who without lawful authority or reasonable cause gets on to a motor vehicle standing on a road or tampers with the brake or any part of the mechanism of the vehicle shall be guilty of an offence. Tampering with vehicles.

11. Any person in charge of a motor vehicle or trailer who causes or permits the vehicle or trailer to remain at rest on a road in such a position or in such condition or in such circumstances as to be likely to cause danger to other persons using the road shall be guilty of an offence. Leaving vehicles in dangerous positions.

12. Any driver of a motor cycle (other than one with a side car attached) who shall : Restriction on number of passengers on motor cycle.

(a) carry more than one passenger, or

(b) carry such passenger otherwise than sitting astride the cycle and on a proper seat securely fixed to the cycle behind the driver's seat shall commit an offence and be liable in the case of the first conviction to a fine not exceeding £5 and in the case of a second or subsequent conviction to a fine not exceeding £10.

13. Any person in charge of a pedal cycle on a road who shall : Pedal Cycles.

(a) fail to keep to the left or near side of the road when he meets traffic proceeding in the opposite direction or fail to keep to the right or offside of the road when he passes traffic proceeding in the same direction, or

(b) fails to have attached thereto an instrument capable of giving audible and sufficient warning of approach of the bicycle, or

(c) during the period between one hour after sunset and one hour before sunrise who shall fail to have

attached thereto (1) a lamp showing to the front a white light visible for a reasonable distance and (2) an unobscured and efficient red light or red reflector shewing to the rear: Provided the subsection shall not apply to a bicycle being wheeled by a person on foot as near as possible to the left or near side of the carriage way, or

- (d) ride on the pavement or footway of a road or on a public jetty

shall commit an offence and be liable to a fine not exceeding £2.

Carts or carriages.

14. Any person in charge of a cart or carriage on a road who shall :

- (a) fail to keep such vehicle to the left or near side of the road when he meets traffic proceeding in the opposite direction or shall fail to keep such vehicle to the right or offside of the road when he passes traffic proceeding in the same direction, or
- (b) during the period between one hour after sunset and one hour before sunrise who shall fail to have attached thereto (1) a lamp on the offside of the vehicle showing to the front a white light visible for a reasonable distance and (2) an unobscured and efficient red reflector or red light attached to the offside of the vehicle and shewing to the rear, or

(c) drive such vehicle on a pavement or footway of a road shall commit an offence and be liable to a fine not exceeding £2.

Animals.

15. Any person in charge of an animal on a road who shall :

- (a) fail to keep the animal as close as possible to the edge of the carriage way, or
- (b) without reasonable cause lead, or ride, the animal on a pavement or footway of a road.

shall commit an offence and be liable to a fine not exceeding £2.

Closing of roads.

16. (1) The Executive Engineer may, if in his opinion any road or part of a road is unfit for traffic or any class of traffic, by order under his hand close such road or part thereof to all or any traffic as he shall specify for any period not exceeding one month.

(2) The Executive Engineer shall cause (a) copies of such order to be affixed to the public notice board in Stanley and at both ends of the road or part thereof so closed as aforesaid (b) a copy to be inserted in any newspaper circulating in the Colony and (c) notice thereof to be broadcast.

(3) Any person contravening any terms of such order shall commit an offence and shall be liable to a fine not exceeding £5 and in the case of a second or subsequent conviction to a fine not exceeding £10.

Penalties.

17. Any person guilty of an offence under this Ordinance or any Regulation thereunder for which a penalty is not prescribed shall be liable on summary conviction to a fine not exceeding £20 and in the case of a second or subsequent conviction to a fine not exceeding £50 or to imprisonment for a term not exceeding three months.

Regulations.

18. The Governor in Council may make regulations for the more effective administration of this Ordinance.

Repeals No. 4 of 1931.
No. 2 of 1936.

19. The Summary Jurisdiction (Amendment) Ordinance, 1931, and the Motor Car Ordinance, 1936, are hereby repealed.

SCHEDULE.

ANNUAL LICENCE DUTIES FOR MOTOR VEHICLES AND TRAILERS.

PART I — PRIVATE VEHICLES.

	£	s.	d.
1. Motor cycle	1	0	0.
2. Motor cycle with sidecar	1	10	0.
3. Motor car under 9 h.p.	2	0	0.
4. " " 9 h.p. and over but under 12 h.p.	2	10	0.
5. " " 12 " " " " 16 "	3	0	0.
6. " " 16 " " " " 20 "	3	10	0.
7. " " 20 " " " " 25 "	4	0	0.
8. " " over 25 h.p.	5	0	0.

PART II. — COMMERCIAL VEHICLES.

1. Vehicles with load area 28 sq. ft. or under	2	0	0.
2. " " " " over 28 sq. ft. but not exceeding 38 sq. ft.	3	0	0.
3. " " " " " 38 " " " " 48 " "	4	0	0.
4. " " " " " 48 " " " " 56 " "	5	0	0.
5. " " " " " 56 " " " " 66 " "	6	0	0.
6. " " " " " 66 " " " " " "	7	0	0.

PART III. — TRAILERS.

1. Two wheeled trailers	1	0	0.
2. Four " "	3	0	0.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

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

FALKLAND ISLANDS :

Printed at the Government Printing Office by H. H. Sedgwick.

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FALKLAND ISLANDS.

No. 1.

Proclamation

1948.

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

MILES CLIFFORD — *By His Excellency* GEOFFREY MILES CLIFFORD, ESQUIRE, *Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, upon whom has been conferred the Efficiency Decoration, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.*

[L.S.]

WHEREAS by Section 1 of the Customs Ordinance 1943 as amended by the Customs (Amendment) Ordinance 1946 it is enacted that the said Ordinances shall come into force on a day to be specified by the Governor by Proclamation in the Gazette :

NOW THEREFORE I do order and proclaim and it is hereby ordered and proclaimed that the Customs Ordinance 1943 and the Customs (Amendment) Ordinance 1946 shall come into force on the 1st day of May, 1948, of which Judicial notice shall be taken.

GOD SAVE THE KING.

Given at Government House, Stanley, this 22nd day of April, in the Year of Our Lord One thousand Nine hundred and Forty-eight.

By His Excellency's Command,

A. B. MATHEWS,

Colonial Secretary.

M.P. 0465.

FALKLAND ISLANDS.

No. 2.

Proclamation

1948.

To cancel Import Licences issued by the Competent Authority and Collector of Customs prior to the 1st of January, 1948, for goods emanating from South America.

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

MILES CLIFFORD — *By His Excellency GEOFFREY MILES CLIFFORD, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, upon whom has been conferred the Efficiency Decoration, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, &c., &c., &c.*

[L.S.]

WHEREAS it is deemed expedient to cancel certain Import Licences issued by the Competent Authority and the Collector of Customs prior to the 1st of January, 1948, for goods emanating from South America.

Now in virtue of the powers in me vested by Section 2 of the Exports and Imports (Emergency Powers) Ordinance, 1939, I, GEOFFREY MILES CLIFFORD, Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, upon whom has been conferred the Efficiency Decoration, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies, do hereby proclaim and order and it is hereby proclaimed and ordered that all Import Licences issued by the Competent Authority or Collector of Customs prior to the 1st of January, 1948, for goods emanating from South America, are hereby cancelled.

GOD SAVE THE KING.

Given at Government House, Stanley, this 24th day of September, in the Year of Our Lord One thousand Nine hundred and Forty-eight.

By His Excellency's Command,

A. B. MATHEWS,

Colonial Secretary.

M.P. 0504/II.

FALKLAND ISLANDS.

No. 3.

Proclamation

1948.

To appoint a date on which the Falkland Islands Letters Patent 1948 shall come into operation.

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

MILES CLIFFORD — *By His Excellency GEOFFREY MILES CLIFFORD, ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, upon whom has been conferred the Efficiency Decoration, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies and Vice Admiral thereof.*

[L.S.]

Under and by virtue of the powers vested in me by Article 2 of the Falkland Islands Letters Patent 1948 I hereby proclaim that the Falkland Islands Letters Patent 1948 shall come into operation on the 1st day of January 1949.

GOD SAVE THE KING.

Given at Government House, this 31st day of December, 1948.

By His Excellency's Command,

R. WINTER,

Acting Colonial Secretary.

FALKLAND ISLANDS.

No. 4.

Proclamation

1948

To appoint a date on which the Instructions and Additional Instructions under the Royal Sign Manual and Signet issued to the Governor on the 28th day of February, 1920, and the 1st day of February, 1941, respectively are to be revoked.

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

MILES CLIFFORD — *By His Excellency GEOFFREY MILES CLIFFORD, Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, upon whom has been conferred the Efficiency Decoration, Governor and Commander-in-Chief in and over the Colony of the Falkland Islands and its Dependencies and Vice Admiral thereof.*

[L.S.]

Under and by virtue of the powers vested in me by the Instructions passed under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief of the Colony of the Falkland Islands and Dependencies thereof dated the 13th day of December 1948 I hereby proclaim the 31st day of December 1948 as the appointed day for the revocation of the Instructions and Additional Instructions under the Royal Sign Manual and Signet and issued to the Governor on the following dates: that is to say the 28th day of February, 1920, and the 1st day of February, 1941.

GOD SAVE THE KING.

Given at Government House, this 31st day of December, 1948.

By His Excellency's Command,

R. WINTER,

Acting Colonial Secretary.

FALKLAND ISLANDS.

Order by His Excellency the Governor in Council
declaring Port Foster to be a Harbour.

No. 1 of 1948.

MILES CLIFFORD,
Governor.

In pursuance of the powers vested in him by Section 1 of the Harbour Ordinance 1902, His Excellency the Governor with the advice and consent of the Executive Council is pleased to direct that PORT FOSTER, DECEPTION ISLAND, SOUTH SHETLANDS be declared a Harbour from the 10th January, 1948.

Made in Executive Council this 10th day of January, 1948.

By Command
A. B. MATHEWS,
Colonial Secretary.

M.P. 0254.

FALKLAND ISLANDS.

Order by His Excellency the Governor.

No. 2 of 1948.

A. B. MATHEWS,
Governor's Deputy.

In exercise of the powers vested in him by the Supplies and Services (Transitional Powers) Act 1945 and by Order in Council thereunder His Excellency the Governor is pleased to order and it is hereby ordered –

That the office of competent authority (supplies) shall continue in force until the 10th day of December, 1950 unless previously determined and that all acts and orders made by the holder of the said office, for the purpose of regulating the import export supply or prices of goods shall continue in force until the 10th day of December 1950 unless previously determined and that he shall until such date continue to exercise the powers vested in him by the Defence Regulations 1939.

Dated this 20th day of January, 1948.

By Command,
L. W. ALDRIDGE,
for Colonial Secretary.

M.P. 0561.

FALKLAND ISLANDS.

Order by His Excellency the Governor in Council.

Under the Customs Ordinance 1943 as amended by the Customs (Amendment) Ordinance 1946.

No. 3 of 1948.

MILES CLIFFORD,
Governor.

In exercise of the powers vested in him by the Customs Ordinance 1943 as amended by the Customs (Amendment) Ordinance 1946 and with the advice and consent of the Executive Council His Excellency the Governor is pleased to order and it is hereby ordered that :—

1. This Order may be cited as the Customs Order 1948. Short title.
2. From and after the date of publication of this Order the New Import Duties following import duties of customs shall be payable :—

ARTICLES		RATE OF DUTY.
1. Aerated & mineral waters	<i>ad valorem</i>	20%
2. Apparel manufactured partly or wholly of silk, artificial silk or of synthetic fibre and including those of rayon, 'Nylon' types and plastics	" "	20%
3. Bags, travelling; trunks, valises and despatch bags ...	" "	15%
4. Binoculars & telescopes, parts & accessories	" "	20%
5. Cards, playing, not exceeding 60 cards per pack ...	per pack not exceeding 60 cards	9d.
6. Cards, greeting, all types	per dozen	6d.
7. Cigarette holders, cigarette cases, and parts	<i>ad valorem</i>	20%
8. Cigarette lighters, parts and accessories including flints and wicks	" "	20%
9. Cigarette Papers	" "	20%
10. Clocks (other than Alarm clocks), watches and component parts and accessories	" "	10%
11. C.O.2 Gas and cylinders, together with other materials for the manufacture and bottling of mineral and aerated waters ...	" "	10%
12. Cosmetics and their containers, including lipsticks, nail varnishes and the like, hair oils and tonics together with appliances for the application thereof	" "	33½%
13. Firearms and component parts including airguns and components	" "	10%
14. Films, cinematograph	per 100 linear feet, or part thereof	6d.
15. Flowers, artificial	<i>ad valorem</i>	100%
16. Fountain pens and propelling pencils all types, including refills and component parts	" "	20%
17. Furs, fur coats or other garments manufactured partly or wholly from fur	" "	20%
18. Foodstuffs :		
(a) Biscuits, bread, cakes & other types of cookery ...	per 100 lbs.	6/-
(b) Confectionery including chocolates, creams & sweetmeats of all kinds and chewing gum	<i>ad valorem</i>	20%
(c) Eggs	per dozen	6d.
(d) Fish, canned or bottled	<i>ad valorem</i>	10%
(e) Jams, marmalades and similar preserves	" "	10%
(f) Meats, preserved, all types including extracts ...	per 100 lbs.	6/-
(g) Pickles, spices, condiments, sauces	<i>ad valorem</i>	15%
19. Jewellery, other than wedding rings	" "	50%

Agricultural machinery.
 Alarm Clocks.
 Any article whatsoever imported for use of the Government, Town Council, or the Falkland Islands Dependencies Survey.
 Church Plate.
 Commercial Samples.
 Cups, medals and other trophies, imported for presentation:—
 (a) As prizes at public examinations, exhibitions, shows, or for competitions of skill or sport open to the public or members of recognised clubs.
 (b) For bravery, good conduct, humanity, for excellence in art, industry, invention, manufacture, learning, science or for honourable or meritorious services.
 This exemption shall not apply or extend to the importation or stocking of the articles mentioned for purposes of trade.
 Cutlery.
 Ethyl alcoholic imported with the approval of the Senior Medical Officer.
 Films sponsored by the Central Office of Information or British Council.
 Fortified limejuice not exceeding 15% proof spirit.
 Jewellery used as a setting for and incorporating Falkland Islands stones.
 Medical preparations and drugs included in the British Pharmacopoeia and the British Pharmaceutical Codex and other medicinal preparations, drugs and disinfectants the label of which contains an adequate indication of the ingredients.
 Naptha or methylic alcohol in its crude state and not fit for use as a potable spirit or for admixture with a potable spirit.
 Plated souvenir ware bearing the Falkland Islands Crest.
 Poppies, artificial, imported for sale in aid of the Earl Haig Fund.
 Rifles and equipment for the use of the Defence Force Rifle Association and the Defence Force Miniature Rifle Club.
 Tobacco forming an ingredient in sheep-wash, or hop-powder manufactured in bond in the United Kingdom.
 Wedding rings, where the Collector is satisfied that they have been imported as such.
 Wines imported for sacramental purposes on proof to the Collector that they shall be used as such.

Application

5. This Order shall apply to the Dependencies.

Made by the Governor in Executive Council on the 22nd day of April, 1948.

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

M.P. 0465.

FALKLAND ISLANDS.

Order by His Excellency the Governor in Council under the Post Office Ordinance 1898.

MILES CLIFFORD,
Governor.

No. 4 of 1948.

In exercise of the powers vested in him by Section 3 of the Post Office Ordinance 1898 and with the advice and consent of the Executive Council His Excellency the Governor is pleased to order and it is hereby ordered that :

1. This Order may be cited as the Post Office Order 1948. Short title.
2. From and after the date of publication of this Order the rate of postage to be charged on postal packets sent from any place within the Colony and its Dependencies to the United Kingdom or to any part of the British Commonwealth shall be two and a half pennies per ounce or part of an ounce. Rates of postage amendment.
3. The fee, including postage rate, for an Air Letter to the United Kingdom or to any part of the British Commonwealth shall be 6d. Air Letter Rate : Amendment.
4. The words "sent from the Colony to the United Kingdom and other parts of the British Empire and Egypt, 1d. per ounce or part of an ounce" contained in paragraph 2 of the Post Office (Rates of Postage and Fees) Order 1940, and paragraph 2 of the Post Office (Air Letter Fees) (Amendment) Order 1945, are hereby rescinded. Rescissions.

Made by the Governor in Executive Council on the 22nd day of April, 1948.

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

M.P. 0666.

FALKLAND ISLANDS.

Order by His Excellency the Governor in Council.

Under the Customs Ordinance 1943, as amended by the Customs (Amendment) Ordinance 1946.

No. 5 of 1948.

MILES CLIFFORD,
Governor.

In exercise of the powers vested in him by the Customs Ordinance 1943 as amended by the Customs (Amendment) Ordinance 1946 and with the advice and consent of the Executive Council His Excellency the Governor is pleased to order and it is hereby ordered that:—

1. This Order may be cited as the Customs Order (No. 2) Short title.
1948.

2. From and after the date of this Order the following Import Duties.
import duties of customs shall be payable:—

On Spirits, not exceeding the strength of proof, as ascertained by Sikes' Hydrometer, and in proportion for any greater strength than strength of proof, including mixtures and preparations containing spirits, per gallon	£1. 6. 0.
On Wine in cask, per gallon	5. 0.
On Wine in bottle, per doz. litres	15. 0.
On Wine in bottle, per doz. reputed quarts	11. 0.
On Wine in bottle, per doz. reputed pints	5. 6.
On British Wines and all other unenumerated and unexempted beverages not liable to spirit duty,	
In cask, per gallon	3. 0.
In bottle, per doz. litres	8. 9.
In bottle, per doz. reputed quarts	6. 6.
In bottle, per doz. reputed pints	3. 3.
On Malt liquor, mum, spruce, cider and perry	
In cask, per gallon	1. 0.
In bottle, per doz. reputed quarts	2. 0.
In bottle, per doz. reputed pints	1. 0.
On Cigars, per pound	8. 0.
On Cigarettes, cut and manufactured tobacco and snuff, per pound	5. 0.
On all other unexempted tobacco, per pound	4. 0.

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

On Matches, for every gross of boxes, not exceeding 10,000 matches	10. 0.
For every gross of boxes exceeding 10,000 matches, per 10,000 matches, and so in proportion	10. 0.

Provided that the tariff of import duties on matches manufactured in and consigned from any part of the British Empire shall be at one half of the aforesaid tariff.

3. The following articles shall be exempted from the payment of duty:— Exemptions.

Perfumed Spirits and Cologne Water, fortified lime-juice

not exceeding 15% proof spirit, lemonade, ginger ale, ginger beer, soda water, potash and all other mineral waters including material for manufacturing the same; provided that such material shall not exceed 99% of proof spirit content.

Naphtha or methylic alcohol in its crude state and not fit for use as a potable spirit for admixture with a potable spirit.

Ethyl alcohol imported with the approval of the Senior Medical Officer.

Tobacco forming an ingredient in sheep wash, or hop powder manufactured in bond in the United Kingdom.

All articles imported or taken out of bond for the use in recognised messes, camps and canteens by His Majesty's Navy or by overseas units of His Majesty's Army or Air Force, and all articles imported for exportation or for shipment by His Majesty's Navy.

Military, Air and Naval Departments and messes purchasing any article whatsoever duty paid for consumption within their own camps, messes or canteens shall be entitled to have the duty refunded out of the public Treasury on the certificate of the Officer in command of any Military, Air or Naval Department, or of any of His Majesty's Ships of War.

The Consulates in this Colony of any foreign countries in which is accorded or in which hereafter may be accorded to British Consular Officers the privilege of exemption from Customs Duties in respect of official goods imported into such foreign countries by His Majesty's Government for the use of His Majesty's Consulates shall have a like privilege granted to them of exemption from any duties that may be levied in this Colony on goods which may be imported by their respective governments as *bona fide* official supplies for the use of such Consulates.

4. From and after the date of this Order the following export duties of customs shall be payable :—

On wool, for every 25 pounds or part thereof ... One shilling.

1. On Whale Oil and Seal Oil :

On every barrel of forty (40) gallons —

If the average U.K./Continent market price for the season of first grade oil

does not exceed £20 per ton ... — one shilling and sixpence.
exceeds £20 but does not exceed £25 per ton — two shillings.
" £25 " " " " £30 " " — two shillings and sixpence.
" £30 " " " " £35 " " — three shillings.
" £35 " " " " £40 " " — three shillings and sixpence.
" £40 " " " " £45 " " — four shillings.
" £45 " " " " £50 " " — four shillings and sixpence.
" £50 " " " " ... — five shillings.

2. On whale, or seal, meat-meal and guano and other substances prepared from whales or seals — sixpence per one hundred lb. weight, or part thereof.

3. On Tallow, whether prepared from sheep or cattle — Two and a half per centum of the average U.K./Continent market value at the time of shipment.

5. This Order shall apply to the Dependencies.

Made by the Governor in the Executive Council on the 12th day of May, 1948.

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

M.P. 0465.

FALKLAND ISLANDS.

RESOLUTION

Customs Order (No. 3) 1948.

Whereas in accordance with Section 5B of the Customs Ordinance 1943 as amended by the Customs (Amendment) Ordinance 1946 Customs Order (No. 3) 1948 was submitted to the Legislative Council on the 11th June 1948.

And Whereas the Legislative Council amended the said Order.

It Was Resolved by the Legislative Council that Customs Order (No.3) 1948 as amended, be confirmed with effect from the 11th June 1948, as follows :—

Order by His Excellency the Governor in Council.

Under the Customs Ordinance 1943 as amended by the Customs (Amendment) Ordinance 1946.

MILES CLIFFORD,
Governor.

No. 6 of 1948.

In exercise of the powers vested in him by the Customs Ordinance 1943 as amended by the Customs (Amendment) Ordinance 1946 and with the advice and consent of the Executive Council His Excellency the Governor is pleased to order and it is hereby ordered that :—

1. This Order may be cited as the Customs Order (No. 3) Short title. 1948.

2. From and after the date of publication of this Order the Import Duties. following import duties of customs shall be payable :—

ARTICLES		RATE OF DUTY.
1. Matches, for every gross of boxes not exceeding 10,000 matches	as stated per gross boxes not exceeding 10,000 matches	10/-
Matches for every gross of boxes exceeding 10,000 matches per 10,000 matches and so on in proportion.		
PROVIDED that the tariff of import duties on matches manufactured in and consigned from any part of the British Empire shall be at ONE HALF of the General Tariff.		
2. Spirits, wines, malted liquors :		
(a) On rum, not exceeding the strength of 20 per cent under proof, and in proportion for any greater strength than 20 per cent under proof	per gallon	36/-
(b) On all other Spirits, not exceeding the strength of 20 per cent under proof, and in proportion for any greater strength than 20 per cent under proof, including mixtures and preparations containing spirits as ascertained by Sikes' Hydrometer.	" "	52/-
(c) On British wines and all other unenumerated and unexempted beverages not liable to spirit duty.		
In cask ...	per gallon	4/6
In bottle ...	per dozen litres	13/3
" " ...	" " quarts	9/9
" " ...	" " pints	5/-

ARTICLES					RATE OF DUTY
On other wines.					
	In cask	...	...	...	per gallon 6/6
	In bottle	...	...	...	per dozen litres 19/6
	" "	...	...	...	" " quarts 14/3
	" "	...	...	...	" " pints 7/3
(d) On malt liquor, mum, spruce, cider, perry,					
	In cask	...	...	...	per gallon 1/-
	In bottle	...	...	...	per doz. reputed qts. 2/-
	" "	...	...	...	" " " pts. 1/-
3. Tobacco : Products of the British Empire. Manufactured from tobacco which is the produce of the British Empire.					
(a)	Cigars	...	...	...	per pound 19/3
(b)	Cigarettes	...	...	...	" " 9/6
(c)	Cut and manufactured tobacco, snuff, and all other unexempted tobacco	...	...	...	" " 5/7
On other tobaccos.					
(a)	Cigars	...	...	...	" " 20/-
(b)	Cigarettes	...	...	...	" " 10/-
(c)	Cut and manufactured tobacco, snuff, and all other unexempted tobacco.	...	...	...	" " 6/-

Export duties.

3. From and after the 1st day of January 1948 the following export duties shall be payable in lieu of any duties payable prior hereto :—

On Wool, for every 25 pounds or part thereof, one shilling and threepence.

On Whale Oil and Seal Oil :

Up to and including the 30th September, 1948, five shillings per barrel of 40 gallons.

On and after the 1st October, 1948, the duty shall be assessed on the average market price per ton for the season of first grade oil and shall be at the rate of 6d. per barrel of 40 gallons for each £5 or part of £5 of such average market price.

This duty will be levied on all whale oil produced within the Colony or its territorial waters or within any of the Dependencies or their territorial waters.

On all Whale and Seal products other than oil, sixpence per one hundred lb. weight or part thereof.

On Tallow, whether prepared from sheep or cattle, two and a half per centum of the average United Kingdom/Continent market value at the time of shipment.

In the event of any difference of opinion arising as to the market price of any substance named in this Order the decision of the Governor in Council shall be final.

Import Duty exemptions.

4. The following articles shall be exempt from import duties imposed by the Customs Ordinance 1943 or any amendment thereof and by this Order :

All articles imported or taken out of bond for the use of the Governor or in recognised messes, camps and canteens by His Majesty's Navy or by overseas units of His Majesty's Army or Air Force, and all articles imported for exportation or for shipment as stores by His Majesty's Navy.

Military, Air and Naval Departments and messes purchasing any articles whatsoever duty paid for consumption within their own camps, messes or canteens shall be entitled to have the duty refunded out of the Public Treasury on the certificate of the Officer in command of any Military, Air or Naval Department, or of any of His Majesty's Ships of war.

All dutiable goods imported or taken out of bond for use on board merchant vessels outside the territorial waters of the Colony and its Dependencies subject to such conditions and limitations as to quantities as the Collector of Customs shall prescribe.

Consuls de Carrière in this Colony of any foreign countries in which is accorded or in which hereafter may be accorded to British Consular Officers the privilege of exemption from Customs Duties in respect of official goods imported into such foreign countries by His Majesty's Government for the use of His Majesty's Consulates shall have a like privilege granted to them of exemption from any duties that may be levied in this Colony on goods which may be imported by their respective governments as *bona fide* official supplies for the use of such Consuls.

Any article whatsoever imported for use of the Falkland Islands Dependencies Survey.

Ethyl alcohol imported with the approval of the Senior Medical Officer.

Perfumed Spirits and Cologne Water, fortified lime-juice not exceeding 15% proof spirit, and all mineral waters including material for manufacturing the same; provided that such material shall not exceed 99% of proof spirit content.

Naptha or methylic alcohol in its crude state and not fit for use as a potable spirit or for admixture with a potable spirit.

Tobacco forming an ingredient in sheep-wash, or hop-powder manufactured in bond in the United Kingdom.

Wines imported for sacramental purposes on proof to the Collector that they shall be used as such.

5. The Customs Order 1948 is hereby revoked with effect from 12th May, 1948. Revocation.

6. This Order shall apply to the Dependencies. Application.

Made by the Governor in Executive Council on the 19th day of May, 1948.

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

Confirmed at a meeting of the Legislative Council held on the 11th of June, 1948.

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

M.P. 0465.

FALKLAND ISLANDS.

Order by His Excellency the Governor in Council.

No. 7 of 1948.

MILES CLIFFORD,
Governor.

In exercise of the powers vested in him by Section 3 of the Government Employees Provident Fund Ordinance 1938, and with the advice and consent of the Executive Council, His Excellency the Governor is pleased to order and it is hereby ordered:

That after the date of this Order no person shall be permitted to become a depositor in the Government Employees Provident Fund under the provision of the Order made by the Governor in Council at a meeting held on the 18th day of April, 1939.

Made by the Governor in Executive Council on the 3rd day of July, 1948.

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

M.P. 0146.

FALKLAND ISLANDS.

Order by His Excellency the Governor in Council.

No. 8 of 1948.

MILES CLIFFORD,
Governor.

In exercise of the powers vested in him by Section 42 of the Licensing Ordinance 1944 and with the advice and consent of the Executive Council His Excellency the Governor is pleased to order and it is hereby ordered :

1. All premises in which intoxicating liquors are sold by retail, except as hereinafter mentioned, shall be open for the following hours only:

On weekdays, from 11 a.m. until 1 p.m. and from 5.30 p.m. until 10 p.m.

On Sunday, Christmas Day, and Good Friday, from 12 noon until 2 p.m.

2. The licensed premises known as the "Mon-Star Hotel" shall be open on Sunday from 12 noon until 2.30 p.m. and from 4.30 p.m. until 10 p.m. but in all other respects shall comply with the hours specified in the first paragraph of this Order.

Made by the Governor in Executive Council on the 27th day of September, 1948.

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

M.P. 164/43.

FALKLAND ISLANDS.

RESOLUTION

Customs Order (No. 4) 1948.

Whereas in accordance with Section 5B of the Customs Ordinance 1943 as amended by the Customs (Amendment) Ordinance 1946 Customs Order (No. 4) 1948 was submitted to the Legislative Council on the 20th of October, 1948.

And Whereas the Legislative Council amended the said Order.

It Was Resolved by the Legislative Council that Customs Order (No.4) 1948 as amended, be confirmed with effect from the 20th of October 1948, as follows :—

Order by His Excellency the Governor in Council.

Under the Customs Ordinance 1943 as amended by the Customs (Amendment) Ordinance 1946.

MILES CLIFFORD,

Governor.

No. 9 of 1948.

In exercise of the powers vested in him by the Customs Ordinance, 1943, as amended by the Customs (Amendment) Ordinance, 1946, and with the advice and consent of the Executive Council His Excellency is pleased to order and it is hereby ordered that :—

1. This Order may be cited as the Customs Order (No. 4) Short title.
1948.

2. From and after the 1st day of January, 1949, the following export duties on wool shall be payable in lieu of any duties payable prior hereto

Export duties on
wool.

"On wool

when the average gross selling price per lb. of the whole Falkland Islands clip does not exceed 10d.	Nil.
when the average gross selling price per lb. of the whole Falkland Islands clip exceeds 10d. but does not exceed 20d.	.5d. per lb.
when the average gross selling price per lb. of the whole Falkland Islands clip exceeds 20d. but does not exceed 30d.	.75d. per lb.
when the average gross selling price per lb. of the whole Falkland Islands clip exceeds 30d. but does not exceed 40d.	1d. per lb.
when the average gross selling price per lb. of the whole Falkland Islands clip exceeds 40d. but does not exceed 50d.	1.5d. per lb.
when the average gross selling price per lb. of the whole Falkland Islands clip exceeds 50d. but does not exceed 60d.	2d. per lb.
when the average gross selling price per lb. of the whole Falkland Islands clip exceeds 60d.	2.5d. per lb.

Export duties on
Tallow, Hides and
Skins.

3. From and after the date of publication of this Order the following export duties shall be payable in lieu of any duties payable prior hereto :-

"On Tallow, Hides and Skins, two and a half per centum of the selling price of such goods".

Rescission.

4. The words "on wool, for every 25 pounds or part thereof, one shilling and three pence" and "on Tallow whether prepared from sheep or cattle, two and a half per centum of the average U.K./Continental market value at the time of shipment" in Clause 3 of Customs Order (No. 3) 1948 are hereby rescinded.

Made by the Governor in the Executive Council on the 1st day of October, 1948.

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

M.P. 0465.

FALKLAND ISLANDS.

Order by His Excellency the Governor in Council.

The Radio Active Minerals Ordinance 1948.

MILES CLIFFORD,
Governor.

No. 10 of 1948.

In exercise of the powers vested in him by section 13 of the Radio Active Minerals Ordinance 1948 and with the advice and consent of the Executive Council His Excellency the Governor is pleased to order and it is hereby ordered that the Schedule to the said Ordinance shall be amended to read as follows :

- (1) Any mineral containing uranium or thorium and, in particular and without prejudice to the generality of this paragraph, the substances hereinafter set out in this schedule.
- (2) Minerals of the pitchblende group, including pitchblende, uraninite, urlichite, broeggerite, cleveite and related mineral species.
- (3) Secondary uranium minerals including tobernite, autunite, uranite, rutherfordine, uranophane, gummite, thorogummite, uranocircite, kasolite, becquerelite, and other silicates, hydrates, carbonates, phosphates or arsenates of uranium.
- (4) Carnotite, tyuyamunite, and related uranium-bearing vanadate ores.
- (5) Uranium-bearing niobate-titanate-tantalate ores, including euxenite, polycrase, blomstrandine, priorite, samarskite, fergusonite, betafite and related minerals.
- (6) Monazite, thorite, and thorianite.

Made by the Governor in Executive Council on the 20th day of December, 1948.

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

M.P. 0204.

FALKLAND ISLANDS.

Regulations made by the Governor in Council under the Harbour Ordinance, 1902.

No. 1 of 1948.

MILES CLIFFORD,
Governor.

In pursuance of the powers vested in him by Section 2 of the Harbour Ordinance 1902, and otherwise, His Excellency the Governor is pleased to order with the advice and consent of the Executive Council as follows :

1. These Regulations may be cited as the Port Foster Harbour Regulations 1948. Short Title.
2. No vessel or boat shall be moored or anchored in the harbour without the consent of the Harbour Master. Any vessel or boat shall immediately be moved upon the order of the Harbour Master to any mooring or anchorage approved by him. Mooring and anchorage.
3. No hulk shall have any fixed moorings without the written permission of the Harbour Master. Hulks.
4. Vessels at anchor outside the limit assigned to hulks shall exhibit, from sunset to sunrise, the following light or lights – Lights on vessels at anchor.
 - (a) A vessel under one hundred and fifty feet in length, when at anchor, shall carry forward, where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light, in a lantern so constructed as to show a clear, uniform and unbroken light, visible all round the horizon at a distance of, at least, one mile.
 - (b) A vessel of one hundred and fifty feet or upwards in length, when at anchor, shall carry in the forward part of the vessel, at a height of not less than twenty feet and not exceeding forty feet above the hull, a white light in a lantern so constructed as to show a clear, uniform and unbroken light visible all round the horizon at a distance of, at least, one mile, and at or near the stern of the vessel, and at such a height that it shall not be less than fifteen feet lower than the forward light, another similar light.
5. All vessels shall when under way in the hours of darkness in the Harbour carry in the fore part of the vessel and at a height of not less than nine feet above the gunwhale Lighters or vessels under way.
 - (a) a bright white light of such a character as to be visible at a distance of not less than two miles, and
 - (b) green and red side lights of such a character as to be visible at a distance of not less than one mile, or a combined lantern showing a green light and a red light from right ahead to two points abaft the beam on their respective sides.

Provided that

Small vessels, without masts, may carry the white light at a height at less than nine feet above the gunwhale, but it shall be carried above the combined lantern mentioned in (b) above.

6. Rowing boats, whether under oars or sail, shall have a lantern showing a white light which shall be exhibited in sufficient time to prevent collision. Lights on rowing boats.

7. (a) No person shall collect, remove or cause to be removed any timber or wood, for any purpose whatsoever, from the foreshores of the Harbour without the written permission of the Harbour Master. Collection of timber.
- (b) No person shall remove any iron, steel, metal or wood work from the old whaling factory without the written consent of the Harbour Master.
8. (a) No person shall remove any sand, stone or gravel from the foreshore of the Harbour without the written permission of the Harbour Master. Removal of sand etc.
- (b) Every person permitted to remove sand and stone or gravel shall pay to the Harbour Master one shilling for each ton removed by him.
9. No person shall take fresh water without the consent of the Harbour Master. Fresh water.
10. (a) No ballast, dunnage, ashes or rubbish of any description shall be thrown in the water within 400 yards of low water mark. Ballast rubbish.
- (b) Ballast and waste oil shall be discharged in accordance with the direction of the Harbour Master.
11. All boats or craft shall be beached in accordance with the directions of the Harbour Master. Beaching craft.
12. No person shall discharge any fire-arm at, or throw any stone or other missile at, any seabird or wild animal within the limits of the Harbour, provided that nothing in this section shall serve to prohibit birds or animals from being killed for the protection of property, or obtained by, or with the authority of the Government Naturalist for Scientific purposes. Firing or throwing stones at birds etc. in the Harbour.
13. Every boat or craft shall pay harbour rates at the rate of one penny per ton her net registered tonnage for every day or part of a day she remains in the Harbour. Harbour rent.

Made by the Governor in Executive Council on the 10th day of January, 1948.

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

M.P. 0254.

FALKLAND ISLANDS.

The King Edward Hospital Ordinance, 1916.

The Medical Fees (Amendment) Regulations, 1948.

A. B. MATHEWS,
Governor's Deputy.

No. 2 of 1948.

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

1. These Regulations may be cited as the Medical Fees (Amendment) Regulations, 1948.

2. The Medical Fees Regulations 1947 are hereby amended by the insertion of the following Regulation after Regulation 4 thereof :

"4A. Persons not normally resident in the Colony shall at the discretion of the Senior Medical Officer be liable to pay double the charges provided for in Schedules B, D and E hereof."

Made by the Governor in Executive Council at a Meeting held on the 17th day of January, 1948.

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

M.P. 0135.

FALKLAND ISLANDS.

Emergency (Miscellaneous) Regulations, 1948.

Made by His Excellency the Governor under the authority of the Emergency Laws (Miscellaneous Provisions) Act, 1947.

A. B. MATHEWS,
Governor's Deputy.

No. 3 of 1948.

1. These Regulations may be cited as the Emergency (Miscellaneous) Regulations, 1948.

2. (1) Where government war works have been constructed on any land, the Governor may maintain and use, or authorise the maintenance and use of, those works for the purpose of the public service or for any purpose for which they were maintained or used in the exercise of emergency powers.

(2) The Governor may retain or authorise the retention of possession of any land which (whether by virtue of an exercise of emergency powers or otherwise) is in his possession or in that of any person who is occupying or using it under his authority, notwithstanding the determination of any other right thereto, and, where possession of any land is retained under this subsection, the Governor may use it or authorise its use for the purposes of the public service or in any manner in which it was being used before possession was so retained.

Made by the Governor in Executive Council on the 20th day of January, 1948.

By Command,
L. W. ALDRIDGE,
for Colonial Secretary.

M.P. 0561.

FALKLAND ISLANDS.

The Motor Car Ordinance, 1936.

Regulations made by the Governor in Council under Section 6 of Ordinance No. 2 of 1936.

No. 4 of 1948.

A. B. MATHEWS,
Governor's Deputy.

His Excellency the Governor in exercise of the powers vested in him by Section 6 of the Motor Car Ordinance 1936 and with the advice and consent of the Executive Council is pleased to make and hereby makes the following Regulations.

1. These Regulations may be cited as "The Motor Car Regulations 1948".
2. No person holding a licence to drive may drive a motor car which is not his property without the consent of the owner thereof first obtained.
3. Any person who without proper authority or reasonable cause gets on to a motor car standing on a road or parking place or tampers with the brake or any part of the mechanism of the car shall be guilty of an offence.
4. Every motor cycle when on a road at night whether in motion or stationary shall carry a lamp showing a red light to the rear of such intensity as to indicate clearly its presence on the road to traffic approaching from behind.
5. On and after the 1st day of April, 1948, every motor car shall carry in a prominent position as hereinafter provided Identification Marks issued by the Government upon payment; namely, a metal plate bearing in white on a black background the initial letter of the name by which the motor car carrying the mark is commonly known and the number allotted by the Chief Constable.
6. Identification Marks shall be carried :
 - (1) on motor cycles
 - (a) to the front by the plate being firmly attached lengthwise to the front mudguard.

Provided that the Identification Marks shall be clearly visible on both sides of the plate.
 - (b) to the rear so that the rear plate shall be so illuminated by the rear light as to be visible for at least 20 yards at night.
 - (2) on motor cars by one plate being firmly attached to the front of the motor car and by one plate being firmly attached to the rear thereof.

Provided that the Identification Marks shall be clearly visible and that the rear plate shall be so illuminated by the rear light as to be visible for at least 20 yards at night.
7. No person shall drive a motor car unless the Identification Mark issued in respect of it is affixed in accordance with Regulation 6 or if the mark is in any way obscured or rendered or allowed to become not easily distinguishable.

Provided that a driver shall not be convicted of an offence under this Regulation should he satisfy the Court that he has taken all steps practicable to prevent the mark being obscured or rendered not easily distinguishable.

Made by the Governor in Executive Council on the 2nd day of February, 1948.

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

FALKLAND ISLANDS.

The Licensing Ordinance, 1944.

Regulations made by the Governor under Section 80.

No. 5 of 1948.

MILES CLIFFORD,
Governor.

In exercise of the powers vested in him by the Licensing Ordinance, 1944, and with the advice and consent of the Executive Council His Excellency the Governor is pleased to make and hereby makes the following Regulations:

1. These Regulations may be cited as the Licensing Regulations, 1948.
2. Any licensed person who shall sell intoxicating liquor to any member of His Majesty's Armed Forces (other than a resident in the Colony) for consumption off licensed premises, or to any person well knowing or having good reason to believe that such liquor is required for consumption off licensed premises by such members of His Majesty's Armed Forces shall commit an offence and shall be liable on summary conviction to the penalties set out in Section 79 of the Licensing Ordinance, 1944, and shall be liable to forfeit his licence.

Made by the Governor in Executive Council on the 20th day of February, 1948.

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

M.P. 164/43.

FALKLAND ISLANDS.

The Licensing Ordinance, 1944.

Regulations made by the Governor under Section 80.

No. 6 of 1948.

MILES CLIFFORD,
Governor.

In exercise of the powers vested in him by the Licensing Ordinance, 1944, and with the advice and consent of the Executive Council His Excellency the Governor is pleased to make and hereby makes the following Regulations:

1. These Regulations may be cited as the Licensing Regulations, 1948.
2. Any licensed person who shall sell intoxicating liquor to any member of His Majesty's Armed Forces or to any member of the crew, other than a resident in the Colony, of any vessel entering Stanley Harbour for consumption off licensed premises, or to any person well knowing or having good reason to believe that such liquor is required for consumption off licensed premises by such members of His Majesty's Armed Forces, or by the crew of any vessel entering Stanley Harbour shall commit an offence and shall be liable on summary conviction to the penalties set out in Section 79 of the Licensing Ordinance, 1944, and shall be liable to forfeit his licence.
3. The Licensing Regulations 1948 made on the 20th day of February, 1948, are hereby rescinded.

Made by the Governor in Executive Council on the 18th day of March, 1948.

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

M.P. 164/43.

FALKLAND ISLANDS.

The Customs Ordinance 1943.

Regulations made under the Customs Ordinance 1943.

No. 7 of 1948.

MILES CLIFFORD,
Governor.

In pursuance of the powers in him vested by the Customs Ordinance, 1943, His Excellency the Governor by and with the advice and consent of the Executive Council, is pleased to make and hereby makes the following Regulations :—

1. These Regulations may be cited as The Oil, etc., (Export) Regulations, 1948. Short title.
2. In these Regulations "Oil" includes oil from whales, whalebone, Sperm oil, Spermaceti, seals and any oil product from whales or seals. Definition.
3. (1) Any person exporting oil, whale or seal products or wool, shall within six calendar months from the date of the clearance of the exporting vessel, deliver to the Collector of Customs, Stanley, a Certificate in the appropriate form prescribed in the Schedule hereto and shall make and sign a declaration to the truth of the said Certificate. Certificate of Landing to be delivered to the Collector.
(2) The said Certificate may be delivered by a duly authorized agent for and on behalf of the exporter; and the Collector, may, when it shall not be reasonably possible in his opinion for the exporter to deliver the Certificate within the period above prescribed, grant an extension of the period within which the Certificate shall be delivered. Collector may grant extension of the period required for delivery of Certificate.
4. The Certificate shall, in the case of oil, state the quantity of oil in barrels of 40 gallons as well as in the measure used at the port of discharge, and in the case of wool, the station mark on the bales and the number of bales landed, with the gross weight, tare and net weight in pounds, and the total weight of wool in pounds landed, and in the case of Whale or Seal products, the exporter's mark, the number and weight of bags and the total gross weight, tare and net weight of whale or seal products landed. Particulars required to be shewn on Certificate.
5. A separate certificate will be required in respect of oil, whale or seal products or wool landed at each port of landing or discharge outside the Colony. No certificate in respect of a consignment of wool shall cover wool from more than one station. Separate Certificates required in certain cases.
6. Any person not complying with any of the foregoing requirements shall commit an offence against the Customs Ordinance, 1943. Penalty.
7. The Customs (Export) Regulations 1923 are hereby rescinded. Repeal.
8. These Regulations shall apply to the Dependencies. Dependencies.

Made by the Governor in Executive Council at a meeting held on the 22nd day of April, 1948.

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

M.P. 0378.

The Oil, etc., (Export) Regulations, 1948.

FORM A.

Wool. Certificate of Landing.

Schedule A of the Oil, etc., (Export) Regulations, 1948.

To be delivered to the Collector of Customs, Stanley, Falkland Islands, within six calendar months from the date of clearance of the exporting vessel.

Exporting Vessel..... Master's Name.....
Port and Date of Shipment..... Port and Dates of Discharge.....
Sheep Station from which wool is consigned.....
Name and Address of Consignee.....

QUANTITY OF WOOL DISCHARGED.

Station Mark on Bales	...	...	...	...	.....
Number of Bales	...	...	...	...	.....
Gross Weight in lbs.	...	...	...	...	.....
Tare in lbs.	...	...	...	...	.....
Net Weight of wool in lbs.	...	...	...	...	.....
Total weight of wool in lbs. landed.....					

I solemnly declare that the foregoing particulars are to the best of my knowledge and belief true and accurate, and that I have fully described and set forth all the wool liable to export duty on export from the Colony of the Falkland Islands, and shipped on board the S.S. "....." at..... on the..... day of.....19....., and declared to by me as the Exporter, under the Oil, etc., (Export) Regulations, 1948.

Date.....19..... (Sgd.)..... Exporter or Agent.

CERTIFICATE No.....

I certify that the above is a correct statement of all the wool entered and cleared as entered at this port, from the above mentioned vessel, and bearing the station mark shown hereon.

(Sgd.).....
Authorised Officer.

In case of a Port outside the United Kingdom. I certify that the above is the signature of the..... Customs Officer at the Port of.....

(Sgd.).....
British Consular Officer.

The Oil, etc., (Export) Regulations, 1948.

FORM B.

Whale Oil or Seal Oil. Certificate of Landing.

(Schedule B of the Oil, etc., (Export) Regulations 1948.)

To be delivered to the Collector of Customs, Stanley, Falkland Islands, within six calendar months from the date of clearance of the exporting vessel.

Exporting Vessel..... Master's Name.....
Port and Date of Shipment..... Port and Dates of Discharge.....
Name and Address of Consignee.....
State whether or not all the oil shipped is covered by this certificate. If any part of the shipment has been landed elsewhere mention must be made of the other ports and dates of discharge.....

QUANTITY OF OIL DISCHARGED.

Number of barrels	Quantity in measure in use at port of Discharge*	Quantity in English gallons.
.....containing
Number of drums		
.....containing
Bulk oil discharged from ship's tanks

Total quantity discharged (in English Gallons)

*NOTE - The only measure recognized by law for the payment of duty is the barrel of 40 gallons. The Customs Department however accept the following rates for conversion into gallons, viz:- 9.25 lbs. or 4.546 litres or 4.196 kilogrammes = 1 gallon.

I solemnly declare that the foregoing particulars are to the best of my knowledge and belief true and accurate, and that (with the exception of the oil landed at.....†) I have fully described and set forth all the whale and seal oil liable to export duty on export from the Colony of the Falkland Islands and Dependencies, and shipped on board the S.S. "....." at.....on the.....day of.....19....., and declared to by me as the Exporter, under the Oil, etc., Regulations 1948.

Date.....19..... (Sgd.)..... Exporter or Agent.

† To be omitted if cargo discharged at one port only.

CERTIFICATE No.....

I certify that the above is a correct statement of all the oil entered and cleared as entered at this port, from the above mentioned vessel.

(Sgd.).....
Authorised Officer.

In case of a Port outside the United Kingdom. I certify that the above is the signature of the..... Customs Officer at the Port of.....

(Sgd.).....
British Consular Officer.

The Oil, etc., (Export) Regulations, 1948.

FORM C.

Whale or Seal Products. Certificate of Landing.

Schedule C of the Oil, etc., (Export) Regulations, 1948.

To be delivered to the Collector of Customs, Stanley, Falkland Islands, within six calendar months from the date of clearance of the exporting vessel.

Exporting Vessel..... Master's Name.....

Port and Date of Shipment..... Port and Date of Discharge.....

Name and Address of Consignee.....

QUANTITY OF WHALE OR SEAL PRODUCTS DISCHARGED.

Station Mark on bags	...	...	...	...	.....
Number of bags	...	...	...	...	.....
Gross Weight in lbs.	...	...	...	...	.....
Tare in lbs.	...	...	...	...	.....
Net Weight of products in lbs.	...	...	...	...	.....

Total weight of products in lbs. landed.....

I solemnly declare that the foregoing particulars are to the best of my knowledge and belief true and accurate, and that I have fully described and set forth all the Whale or Seal Products liable to export duty on export from the Colony of the Falkland Islands and Dependencies, and shipped on board the S.S. "....." at..... on the..... day of..... 19....., and declared to by me as the Exporter, under the Oil, etc., (Export) Regulations, 1948.

Date.....19..... (Sgd.)..... Exporter or Agent.

CERTIFICATE No.....

I certify that the above is a correct statement of all the products landed or discharged at this port, from the above mentioned vessel, and bearing the station mark shown hereon.

(Sgd.)..... Authorised Officer.

In case of a Port outside the United Kingdom.

I certify that the above is the signature of the..... Customs Officer at the Port of.....

(Sgd.)..... British Consular Officer.

FALKLAND ISLANDS.

Regulations made under the Customs Ordinance 1943 as amended by the Customs (Amendment) Ordinance 1946.

MILES CLIFFORD, Governor.

No. 8 of 1948.

In exercise of the powers vested in him by the Customs Ordinance 1943, as amended by the Customs (Amendment) Ordinance 1946, His Excellency the Governor by and with the advice and consent of the Executive Council, is pleased to make and hereby makes the following Regulations :

1. These Regulations may be cited as the Customs Regulations 1948 and shall apply to the Dependencies. Short title.

2. The hours of duty of Customs Officers shall be : Customs officers : hours of duty.

INDOOR.

Weekdays 9.00 a.m. to 12.30 p.m. (the period 12.30 p.m. – 2.0 p.m. 2.00 p.m. to 5.00 p.m. being allowed for meals).

Saturdays 9.00 a.m. to 1.00 p.m.

OUTDOOR.

Weekdays 7.30 a.m. to 4.30 p.m.

Saturdays 7.30 a.m. to 1.00 p.m.

Subject to such intervals for meals as may be approved by the Collector of Customs or Deputy Collector of Customs.

3. Any person requiring the services of a Customs Officer otherwise than within the hours specified in the above Regulations (the approval of the Collector of Customs having been first obtained) shall pay fees at the following rates in respect of each officer so required : Fees payable for services outside hours of duty.

(a) On weekdays (not being Office Holidays)

(i) Between the hour of 6.00 a.m. and the hour appointed for the commencement of duty and after the appointed hours of duty to 8.00 p.m. TWO SHILLINGS AND THREE PENCE for every hour or part of an hour.

(ii) Between the hours of 8.00 p.m. and 6.00 a.m. THREE SHILLINGS AND SIX-PENCE for every hour or part of an hour.

Provided that unless the service be continuous with the end or beginning of the hours of routine duty the minimum charge shall be for two hours.

On Sundays, Christmas Day, and Office Holidays

(iii) Between 6.00 a.m. and 8.00 p.m. SEVEN SHILLINGS AND SIX PENCE for the first two hours or part of two hours, and TWO SHILLINGS AND SIX PENCE for every hour or part of an hour thereafter.

(iv) Between 8.00 p.m. and 6.00 a.m. TEN SHILLINGS AND SIX PENCE for the first two hours or part of two hours, and THREE SHILLINGS AND SIX PENCE for every hour or part of an hour thereafter.

When the services of an officer extend from one period of time into the other the longer time served in either shall govern the amount of the fee to be paid in respect of the Officer's overtime for the first two hours or part of two hours.

(b) COLLECTOR OF CUSTOMS. When the personal services of

the Collector of Customs are required by any person out of the hours appointed for Indoor Duties, double the above rates will be charged.

- (c) For the single act of entering or clearing or of entering and at the same time clearing a vessel provided that the Officer's services be not otherwise required and charged for under section (a) above.

On Weekdays ... 10/6d.
On Sundays, Christmas Day, and
Office Holidays ... 15/-.

Whale catchers etc.

4. In the case of a Whale Catcher or Whale Catchers being entered or cleared together with, and at the same time as, a Whale Factory or Steamer belonging to the same Company, the inclusive fee for each Factory or Steamer and Catchers shall be full rate and a half.

Payment to Customs Officers.

5. Fees paid under these Regulations may be paid by the Treasurer to the officer in respect of whose services the fees were originally paid into the Treasury.

Rescission of Customs Rules 1916 and Customs (Amendment) Rules 1919.

6. The Customs Rules 1916 and the Customs (Amendment) Rules 1919 are hereby rescinded.

Made by the Governor in Executive Council on the 22nd day of April, 1948.

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

M.P. 0465.

FALKLAND ISLANDS.

Workmen's Compensation Regulations, 1948.

MILES CLIFFORD,
Governor.

No. 9 of 1948.

His Excellency the Governor in exercise of the powers vested in him by Section 33 of the Workmen's Compensation Ordinance 1937 and with the advice and consent of the Executive Council is pleased to make and hereby makes the following Regulations.

1. These Regulations shall be cited as "The Workmen's Short title.
Compensation Regulations 1948".

2. Unless the context otherwise admits — Definitions.

(a) "the Ordinance" means the Workmen's Compensation Ordinance, 1937 ;

(b) "form" means a form in these Regulations.

PART I.

PROCEDURE.

3. Any application made under Section 22 of the Ordinance shall unless the Commissioner otherwise directs, be made on forms A, B or C as the case may be, signed by the applicant and filed with the Registrar. Applications.

The Registrar shall forthwith inform the Commissioner of any such application.

4. The Commissioner may examine an applicant on oath and shall record any such examination in the manner provided in Section 25 of the Ordinance. Examination of applicant.

5. The Commissioner shall consider the application and the record of the substance of any examination of the applicant, and may summarily dismiss the application, if, for reasons to be recorded, he is of opinion that there are not sufficient grounds for proceeding thereon, and the Registrar shall forthwith notify the applicant or the legal practitioner or other person acting on behalf of the applicant of such summary dismissal of the application. Summary dismissal of application.

6. If the application is not dismissed under Regulation 5, the Commissioner may direct the Registrar to call upon the applicant to produce to the Registrar evidence in support of the application before calling upon any other party, and, if upon considering such evidence, the Commissioner is of opinion that there is no case for the relief claimed he may dismiss the application with a brief statement of his reasons for so doing. Preliminary inquiry into application.

7. If the Commissioner does not dismiss the application under Regulation 5 or Regulation 6, the Registrar shall cause to be served on the party from whom the applicant claims relief (hereinafter referred to as the respondent) a copy of the application, and may, if he thinks fit, call upon the respondent to file a written statement dealing with the claims within such time as the Registrar may fix. Notice to opposite party.

8. The respondent may, and if so required by the Registrar, shall, within such time as the Registrar may fix, file a written statement dealing with the claims raised in the application, and any such written statement shall form part of the record. Statement of respondent.

Indemnity under
Section 12 (2) of
the Ordinance.

9. Where the respondent claims that if compensation is recovered against him he will be entitled under Section 12 subsection (2) of the Ordinance to be indemnified by a person not being a party to the case (hereinafter referred to as the third party), he shall, within ten days after being served with the copy of the application, file a notice of such claim with the Registrar, and the Registrar shall thereupon cause a copy of the notice of such claim in Form D to be served on the third party, and may, if he thinks fit, call upon him to file a written statement dealing with the claim raised in the application within such time as the Registrar may direct.

Failure of respondent
or third party to file
statement.

10. If the respondent or the third party fails to file a statement dealing with the claim within the time directed by the Registrar or by the Commissioner on an application to enlarge the time he shall be taken to admit the claim.

Claim admitted.

11. If the respondent or the third party admits the claim, he may at any time before the first hearing –

(a) Where the application is made by an injured workman –

(i) file with the Registrar a notice that he submits to an order for the payment of a half-monthly sum, to be specified in such notice; or

(ii) file with the Registrar a notice that he submits to an order for the payment of a lump sum, to be specified in the notice, and pay such sum into Court.

(b) Where the application is made on behalf of the dependants of a deceased workman, or for the settlement of the sum payable in respect of medical attendance and the burial of a deceased workman who leaves no dependants, file with the Registrar that he admits liability, and pay into Court such sum of money as he considers sufficient to cover his liability in the circumstances of the case.

Hearing.

12. Where it is necessary to proceed to a hearing, the Registrar shall fix a date and place for disposing of the application and of the claim for indemnity, if any, and cause notice thereof to be served on the different parties in Form E calling upon them to attend and to produce any evidence which they may wish to tender.

Non-appearance of
applicant.

13. If at the hearing or any adjournment thereof the applicant does not appear the Commissioner shall dismiss the application unless he is satisfied there is reasonable cause for such non-appearance when he may adjourn the hearing on such terms as to costs or otherwise as he may deem just.

Non-appearance of
respondent or third
party.

14. If at the hearing or any adjournment thereof the respondent or third party does not appear the Commissioner may proceed to hear the case in his absence unless he is satisfied there is reasonable cause for such non-appearance when he may adjourn the hearing on such terms as to costs or otherwise as he may deem just.

Local inspection.

15. (1) The Commissioner may at any time enter the place where the workman was injured, or where the workman ordinarily performed his work, for the purpose of making a local inspection, provided that the Commissioner shall not enter any premises of any industrial establishment except during the ordinary working hours of that establishment, save with the permission of the employer or of some person directly responsible to him for the management of the establishment.

(2) The Commissioner shall give the parties or their representatives notice of his intention to conduct a local inspection,

unless in his opinion the urgency of the case renders the giving of such notice impracticable.

(3) Such notice may be given orally or in writing, and, in the case of an employer, may be given to any person upon whom notice of a claim can be served under Section 10 of the Ordinance, or to the representative of any such person.

(4) Any party or the representative of any party, may accompany the Commissioner at a local inspection.

16. Where two or more cases pending before the Commissioner arise out of the same accident, and any issue involved is common to two or more such cases, such cases may, so far as the evidence bearing on such issue is concerned, be taken together.

Connected cases.

17. The Registrar shall upon application by any party issue summons for the appearance of witnesses on payment of the prescribed fees and expenses unless the Commissioner considers the appearance of such witnesses unnecessary.

Witnesses.

18. (1) The Commissioner shall :

Record of findings
and orders.

(a) record concisely his findings and his reasons for such findings,

(b) at the time of making his order pronounce his decision and thereafter no addition or alteration shall be made to the order other than the correction of a clerical or arithmetical mistake arising from an accidental slip or omission.

(2) Orders shall be in one of the forms in Form F with any necessary variations.

19. (1) Any document to be filed under these Regulations may be so filed by delivering it at the office of the Registrar.

Filing and service of
documents.

(2) There shall be filed with the original document as many copies of the document as there are persons on whom copies of the documents are to be served, and in addition a copy for the use of the Commissioner.

(3) Any document to be served under the Ordinance or these Regulations upon any person shall be served –

(a) upon the Crown, by service upon the Head of the Government Department in which the applicant was employed at the time of the accident, or by leaving it at the office of such Head of Department;

(b) upon an individual, by service upon him personally or by leaving it with a responsible person at his last known place of abode or business;

(c) upon a corporate body by service on the Secretary or by leaving it with a responsible person at the Registered office of such corporate body;

(d) upon a Club by service on the Secretary or any member of the Managing Committee;

(e) upon the master of a ship or a person belonging to a ship, by service on such master or person or by leaving the document for such master or person on board the ship with the person being or appearing to be in command or charge of the ship, or where no such person can be found, by fixing a copy of the document to the mast of the ship.

(4) All service shall be effected –

(a) in Stanley and its immediate vicinity by a member of the Police Force.

- (b) out of Stanley and its immediate vicinity by a person appointed by the Registrar who shall make a return of the service within two days in the case of service in Stanley and within fourteen days in the case of service out of Stanley in Form G, sworn before a Justice of the Peace.

Application of Magistrate's Court Rules.

20. Save as otherwise expressly provided in the Ordinance or these Regulations, the Rules of the Magistrate's Court as to enforcing the attendance of witnesses, compelling the production of documents and material objects, administering oaths, taking evidence, amending any defect or error in any proceeding, enlarging the time appointed for taking any proceeding or doing any act, and the representation of persons under disability shall, with the necessary modifications, apply to proceedings before the Commissioner.

Apportionment of compensation.

21. The provisions of this part of these Regulations shall, as far as may be, apply in any proceedings relating to the apportionment of compensation among dependants of a deceased workman.

PART II.

EMPLOYER.

Right to file memorandum.

22. Any employer to whom notice of an accident has been given may at any time, notwithstanding the fact that no claim for compensation has been instituted in respect of such accident file with the Registrar a memorandum, supported by an affidavit made by himself or by any person having knowledge of the facts stated in the memorandum, embodying the circumstances or cause of the accident and such memorandum shall be recorded by the Registrar.

PART III.

MEDICAL EXAMINATION.

Submission to be in accordance with Regulations.

23. A workman who is required by Section 11 subsection (1) of the Ordinance to submit himself for medical examination shall be bound to do so in accordance with the Regulations contained in this Part and not otherwise.

Examination on employer's premises.

24. When such workman is present on the employer's premises, and the employer offers to have him examined free of charge by a qualified medical practitioner who is so present, the workman shall submit himself for examination forthwith.

Examination in other cases.

25. In cases to which Regulation 24 does not apply, the employer may :-

- (a) send the medical practitioner to the place where the workman is residing for the time being, in which case the workman shall submit himself for medical examination on being requested to do so by the medical practitioner; or
- (b) send to the workman an offer in writing to have him examined free of charge by a qualified medical practitioner, in which case the workman shall submit himself for medical examination at the employer's premises, or at such other place in the vicinity as is specified in such offer, and at such time as is so specified ;

Provided that :-

- (i) the time so specified shall not, save with the express consent of the workman, be between the hours of 7 p.m. and 8 a.m.; and

- (ii) in cases where the workman's condition renders it impossible or inadvisable that he should leave the place where he is residing for the time being, he shall not be required to submit himself for medical examination save at such place of residence.

26. A workman who is in receipt of a half monthly payment shall not be required to submit himself for medical examination elsewhere than at the place where he is residing for the time being more than twice in the first month following the accident or more than once in any subsequent month.

Restriction on number of examinations.

27. If a workman whose right to compensation has been suspended under Section 11 subsection (2) or (3) of the Ordinance subsequently offers himself for medical examination, his examination shall take place on the employer's premises or at such other place in the vicinity as may be fixed by the employer.

After suspension of right to compensation.

PART IV.

MEMORANDUM OF AGREEMENT.

28. A memorandum of agreement sent to the Commissioner under Section 28 (1) of the Ordinance shall unless the Commissioner otherwise directs be in duplicate and conform with forms H, J, and K as the circumstances may require.

Form.

29. The Commissioner shall unless he considers that there are no grounds for refusing to record a memorandum of agreement direct the Registrar to fix a day for recording the same, and the Registrar shall accordingly issue a notice in writing in Form L to the parties concerned that in default of objections the Commissioner proposes to record the memorandum on the day so fixed, provided that the notice may be communicated orally to any parties who are present at the time when notice in writing would otherwise issue.

Where Commissioner proposes to record memorandum.

(2) On the date so fixed the Commissioner shall direct the Registrar to record the memorandum unless, after hearing any of the parties who appear and desire to be heard, he considers that it ought not to be recorded, provided that the issue of a notice under subsection (1) of this Regulation shall not be deemed to prevent the Commissioner from refusing to record the memorandum on the date so fixed, even if no objection be made by any party concerned.

(3) If on such date the Commissioner decides that the memorandum ought not to be recorded, he shall inform the parties present of his decision and of the reasons therefor, and if any party desiring the memorandum to be recorded is not present, the Registrar shall send information to that party in Form M.

30. (1) Where the Commissioner considers there are grounds for refusing to record a memorandum of agreement the Registrar shall fix a date for hearing the party or parties desiring the memorandum to be recorded, and the Registrar shall inform such party or parties and, if the Commissioner thinks fit, any other party concerned, of the date so fixed and of the grounds on which the Commissioner considers that the memorandum should not be recorded.

Where Commissioner considers he should refuse to record.

(2) If the parties to be informed are not present, a written notice shall be sent to them in Form N or Form O, as the case may be, and the date fixed in such notice shall be not less than seven days after the date of the issue of the same.

(3) If on the date fixed under subsection (1) of this Regulation the party or parties desiring the memorandum to be recorded show adequate cause for recording the same, the Commissioner may, if information has already been given to all the parties concerned, direct the Registrar to record the agreement. If informa-

tion has not been given to all such parties, he shall proceed in accordance with Regulation 29.

(4) If, on the date so fixed, the Commissioner refuses to record the memorandum, the Registrar shall send notice in Form M to any party who did not receive information under subsection (1) of this Regulation.

On refusal to record.

31. (1) If in any case the Commissioner refuses to record a memorandum of agreement, he shall briefly record his reasons for such refusal.

(2) If the Commissioner refuses to record a memorandum of agreement, he shall not make any order directing the payment of any sum or amount over and above the sum specified in the agreement, unless opportunity has been given to the party liable to pay such sum to show cause why it should not be paid.

(3) Where the agreement is for the redemption of half-monthly payments by the payment of a lump sum, and the Commissioner considers that the memorandum of agreement should not be recorded by reason of the inadequacy of the amount of such sum as fixed in the agreement, he shall record his estimate of the probable duration of the disablement of the workman.

Registration.

32. In recording a memorandum of agreement, the Registrar shall enter the same in a register in Form P and shall endorse a copy of the memorandum to be retained by him as follows :-

"This memorandum of agreement bearing Serial No. of 19 in the register of agreements has been recorded this day of 19

(Signature)

Registrar."

PART V.

DEPOSIT OF COMPENSATION.

Under Section 8 (1) of the Ordinance.

33. An employer depositing compensation under Section 8 subsection (1) of the Ordinance shall furnish therewith a statement in Form Q, and shall be given a receipt in Form R.

(2) If, in the statement above referred to, the employer indicates that he desires to be made a party to the distribution proceedings, the Commissioner shall, before allotting the sum deposited as compensation, afford to the employer an opportunity of establishing that the person or persons to whom he proposes to allot such sum is or are not dependants of the deceased workman.

(3) The statement of disbursements to be furnished on application by the employer under Section 8 subsection (5) of the Ordinance shall be in Form S.

Publication of lists of deposits.

34. The Registrar shall cause to be displayed in a prominent position outside his office an accurate list of the deposits received by him under Section 8 subsection (1) of the Ordinance of the depositors, and of the workmen in respect of whose death the deposits have been made.

Where no compensation deposited.

35. (1) Where a dependant of a deceased workman claims that compensation is payable in respect of the death of the workman, and no compensation has been deposited in accordance with Section 8 sub-section (1) of the Ordinance in respect thereof, the dependant may apply to the Commissioner for the issue of an order requiring the employer to deposit compensation in accordance with the said subsection, provided that no such application shall be entertained unless the applicant certifies therein that he has requested the

employer to deposit compensation and that the employer has refused or omitted to do so.

(2) The Commissioner shall dispose of such application in accordance with the provisions of Part I of these Regulations provided that :-

(a) the Commissioner may, at any time, cause notice to be given in such manner as he thinks fit to all or any of the dependants of the deceased workman who have not joined in the application, requiring them, if they desire to join therein, to appear before him on a date specified in this behalf;

(b) any dependant to whom such notice has been given and who fails to appear and to join in the application on the date specified in a notice shall not be permitted thereafter to claim that the employer is liable to deposit compensation, unless he satisfies the Commissioner that he was prevented by any sufficient cause from appearing when the cause was called on for hearing.

(3) If, after completing the inquiry into the application, the Commissioner issues an order requiring the employer to deposit compensation in accordance with Section 8 subsection (1) of the Ordinance, nothing in subsection (2) of this Regulation shall be deemed to prohibit the allotment of any part of the sum deposited as compensation to a dependant of the deceased workman who failed to join in the application.

36. An employer depositing compensation in accordance with Section 8 subsections (2) or (3) of the Ordinance shall furnish therewith a statement in Form T and shall be given the receipt in Form U.

Deposit under Section 8 (2) and (3) of the Ordinance.

37. Money deposited under Section 8 of the Ordinance may be invested in the name of the Registrar in the Government Savings Bank.

Investment.

PART VI.

REVIEW OF HALF YEARLY PAYMENTS AND COMMUTATION THEREOF.

38. Application in Form V for review of a half-monthly payment under Section 6 of the Ordinance may be made without being accompanied by medical certificate :-

Application for review without medical certificate.

(a) by the employer, on the ground that since the right to compensation was determined the workman's wages have increased;

(b) by the workman, on the ground that since the right to compensation was determined his wages have diminished;

(c) by the workman, on the ground that the employer, having commenced to pay compensation, has ceased to pay the same, notwithstanding the fact that there has been no change in the workman's condition such as to warrant such cessation;

(d) by the workman, on the ground that he has ceased, since the right to compensation was determined, to be a minor;

(e) either by the employer or by the workman on the ground that the determination of the rate of compensation was obtained by fraud or undue influence or other improper means.

Procedure on application for review.

39. If, on examining an application for review by an employer in which the reduction or discontinuance of half-monthly payments is sought, it appears to the Commissioner that there is reasonable ground for believing that the employer has a right to such reduction or discontinuance, he may at any time issue an order withholding the half-monthly payments in whole or in part pending his decision on the application.

Procedure on application for commutation.

40. Where application is made to the Commissioner under Section 7 of the Ordinance for the redemption of a right to receive half-monthly payments by the payment of a lump sum, the Commissioner shall form an estimate of the probable duration of the disablement, and shall award a sum equivalent to the total of the half-monthly payments which would be payable for the period during which he estimates that the disablement will continue, less one half per cent. of that total for each month comprised in that period, provided that fractions of a shilling included in the sum so computed shall be disregarded, provided also that when the Commissioner is unable to form an approximate estimate of the probable duration of the disablement he may from time to time postpone a decision on the application for a period not exceeding two months at any one time.

PART VII.

REGISTRAR.

Proceedings.

41. The Registrar shall endorse the date of filing or issuance on all proceedings and notices filed with or issued by him.

Registration of orders.

42. In recording an order of the Commissioner under Section 21 of the Ordinance, directing the payment of compensation for the variation of the amount or rate of compensation previously ordered or settled by agreement, the Registrar shall enter such order in a register in the Form W, and shall endorse on a copy of the order to be retained by him as follows:—

"This order bearing Serial No. of 19 in the register of orders has been recorded in such register this day of , 19 .

(Signature)

Registrar."

Cause Book.

43. The Registrar shall enter all proceedings hereafter to be commenced in a Cause Book, the form of which shall be prescribed by the Commissioner; any entry made therein shall be examined with the original document the day after such entry is made, and such entry shall be evidence of the document having been filed.

Registers.

44. The Registrar shall keep the registers prescribed by Regulations 33 and 42 and shall make the appropriate entries therein in accordance with the requirements of the said Regulations.

Indexes.

45. The Registrar shall keep proper indexes of the titles of all applications filed with or delivered to him so that the same may be conveniently referred to when required; and such indexes shall at all times during office hours be accessible to the public on payment of the prescribed fee.

Searches.

46. The Registrar shall, on a request in writing giving sufficient particulars and on payment of the prescribed fee, cause a search to be made in the Cause Books or Registers under his custody, and issue a certificate of the result of the search.

Inspection of files.

47. Any person may on payment of the prescribed fee inspect the file of documents or proceedings in any matter.

PART VIII.

COSTS.

48. (1) Any costs incidental to any proceedings before the Commissioner directed to be paid by one party to another shall, in default of agreement between the parties as to the amount of such costs, be taxed by the Commissioner according to the scale of costs applicable to actions in the Magistrate's Court; and the statutory provisions and rules for the time being in force as to the allowance and taxation of costs in such actions, shall with the necessary modifications, apply accordingly.

(2) When proceedings are taken for which no provision is made by these Regulations, reasonable costs may be allowed in respect of such proceedings, not exceeding those which may under the scales of costs be allowed in respect of proceedings of a like nature.

(3) The Commissioner, in dealing with the question of costs may take into consideration any offer of compensation proved to have been made on behalf of the employer.

49. If the Commissioner is satisfied that the applicant is unable, by reason of poverty, to pay the prescribed fees, he may remit any or all of such fees. If the case is decided in favour of the applicant the prescribed fees which, had they not been remitted, would have been due to be paid may be added to the costs of the case and recovered in such manner as the Commissioner in his order regarding costs may direct.

PART IX.

FEES.

50. The following fees shall be paid respectively on each application, search or inspection made under the Ordinance or these Regulations:

I. Applications for compensation—

- (a) Where compensation is claimed in the form of recurring payments ... 5/-
(b) Where compensation is claimed in the form of a lump sum 2/6 where the sum does not exceed £50, plus 2/6 for each additional sum of £50, or fraction thereof (maximum 10/-).

II. Application for commutation—

- (a) By agreement between the parties ... 2/6
(b) In all other cases ... 5/-

III. Applications for the deposit of compensation—

- (a) Under Section 8 (1) of the Ordinance ... Nil.
(b) In all other cases, in respect of each person to whom compensation is payable ... 2/6

IV. Applications for distributing by dependants, for each dependant ...

2/6 up to 15/-

V. Applications for review—

- (a) Where the review claimed is the continuance, increase, decrease or ending of half-monthly payments ... 2/6
(b) Where the half-monthly payments are sought to be converted into a lump sum 5/-
(c) In all other cases ... 5/-

VI.	Applications for the registration of agreement –	
	(a) Where the application or the memorandum of agreement is signed by both parties ...	Nil.
	(b) In all other cases ...	5/-
VII.	Applications to summon witnesses –	
	For every witness ...	1/-
VIII.	Applications for indemnification ...	10/-
IX.	Applications for the recovery of compensation –	
	(a) Under an order already made by the Commissioner ...	2/6
	(b) In all other cases – The same fee as is payable on a similar application for compensation.	
X.	All applications not otherwise provided for ...	2/6
XI.	For service of any notice or process ...	2/6
XII.	For search in indexes of titles of application filed ...	2/6
XIII.	For search in Cause Books or Registers and issuing certificate of result of search under the hand of the Registrar ...	2/6
XIV.	For inspecting file of documents or proceedings ...	2/6.

PART X.

FORMS.

Forms. 51. Where the forms in the schedule to these Regulations are not applicable, forms of the like character, with such variations as the circumstances may require, may be used in proceedings under the Ordinance.

PART XI.

COMMENCEMENT.

Commencement. 52. These Regulations shall come into force on the day of publication of which judicial notice shall be taken.

Made by the Governor in Executive Council at a Meeting held on the 11th day of May, 1948.

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

M.P. 0038.

SCHEDULE.

FORM A.

(See Regulation 3)

APPLICATION FOR COMPENSATION BY WORKMAN.

To the Commissioner for Workmen's Compensation,

residing at
, applicant

versus

residing at
, respondent

It is hereby submitted that –

(1) the applicant, a workman employed by a contractor with the respondent on the day of 19 , received personal injury by accident arising out of and in the course of his employment.

The cause of the injury was (here insert briefly in ordinary language the cause of the injury).

(2) the applicant sustained the following injuries, namely :–

(3) the monthly wages of the applicant amount to £ the applicant is over the age of 18 years. under

*(4) (a) Notice of the accident was served on the day of
(b) Notice was served as soon as practicable.
(c) Notice of the accident was not served (in due time) by reason of

*(5) the applicant is accordingly entitled to receive –
(a) half-monthly payments of £ from the day of 19 , to
(b) a lump sum payment of £

(6) the applicant has taken the following steps to secure a settlement by agreement, namely but it has proved impossible to settle the question in dispute because

* You are therefore requested to determine the following questions in dispute, namely :–

- whether the applicant is a workman within the meaning of the Ordinance;
- whether the accident arose out of or in the course of the applicant's employment;
- whether the amount of compensation claimed is due, or any part of that amount;
- whether the respondent is liable to pay such compensation as is due;
- &c., (as required)

Dated this day of 19 .

Applicant.

To
of

I do hereby require you to file with me the undersigned Registrar a written statement dealing with the claim against you in the above application within _____ days after service thereof on you.

And further take notice that if you fail to forward the statement in writing an order may be made against you in default.

Dated this _____ day of _____ 19 _____

Registrar.

* Strike out the clauses which are not applicable.

FORM B.
(See Regulation 3)

APPLICATION FOR COMPENSATION BY DEPENDANTS.

To the Commissioner for Workmen's Compensation,

residing at _____
, applicant

versus

residing at _____
, respondent.

It is hereby submitted that -

(1) _____ a workman employed by (a contractor with) the respondent on the _____ day of _____ 19 _____ received personal injury by accident arising out of and in the course of his employment resulting in his death on the _____ day of _____ 19 _____. The cause of the injury was (here insert briefly in ordinary language the cause of the injury).

(2) The applicant(s) ^{is a}_{are} dependant(s) of the deceased workman, being his

(3) The monthly wages of the deceased amount to £ _____

The deceased was ^{over}_{under} the age of 18 years at the time of his death.

*(4) (a) Notice of the accident was served on the _____ day of _____
(b) Notice was served as soon as practicable.
(c) Notice of the accident was not served (in due time) by reason of _____

(5) The deceased before his death received as compensation the total sum of £ _____

(6) The applicant(s) ^{is}_{are} accordingly entitled to receive a lump sum payment of £ _____

(7) The applicant(s) ^{has}_{have} requested the respondent to deposit compensation and the latter has ^{refused}_{omitted} to do so.

* You are therefore requested to determine the following questions in dispute, namely :-

- (a) Whether the deceased was a workman within the meaning of the Ordinance ;
- (b) Whether the accident arose out of and in the course of the deceased's employment ;
- (c) Whether the amount of compensation claimed is due, or any part of that amount ;
- (d) Whether the respondent is liable to pay such compensation as is due ;
- (e) Whether the applicant(s) ^{is a}_{are} dependant(s) of the deceased ;
- (f) How the compensation, when deposited, should be distributed ;
- (g) &c. (as required).

Applicant.

Dated the _____ day of _____, 19 _____

* Strike out the clauses which are not applicable.

To
of

I do hereby require you to file with me the undersigned Registrar a written statement dealing with the claim against you in the above application within _____ days after service thereof on you.

And further take notice that if you fail to forward the statement in writing an order may be made against you in default.

Dated this _____ day of _____ 19 _____

Registrar.

FORM C.
(See Regulation 3)

APPLICATION FOR COMMUTATION.

(Under Section 3 of the Workmen's Compensation Ordinance, 1937)

To the Commissioner for Workmen's Compensation,

residing at _____
, applicant

versus

residing at _____
, respondent.

It is hereby submitted that -

(1) The ^{applicant}_{respondent} has been in receipt of half-monthly payments from _____ to _____ in respect of temporary disablement by accident arising out of and in the course of his employment.

(2) The applicant is desirous that the right to receive half-monthly payments should be redeemed.

(3) (a) The respondent is unwilling to agree to the redemption of the right to receive half-monthly payments.

(b) The parties have been unable to agree regarding the sum for which the right to receive half-monthly payments should be redeemed.

You are therefore requested to make an order -

(a) directing that the right to receive half-monthly payments should be redeemed.

(b) fixing a sum for the redemption of the right to receive half-monthly payments.

Date

Applicant.

FORM D.

(See Regulation 9)

NOTICE.

Whereas a claim for compensation has been made to the Commissioner for Workmen's Compensation by _____ applicant, against _____ and the said _____ has claimed that you are liable under Section 12 (2) of the Workmen's Compensation Ordinance, 1937, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, you are hereby informed that you may appear before the Commissioner for Workmen's Compensation at _____ o'clock on the _____ day of _____ 19 _____ at _____ and contest the claim for compensation made by the said applicant or the claim for indemnity made by the respondent. In default of your appearance you will be deemed to admit the validity of any award made against the respondent and your liability to indemnify the respondent for any compensation recovered from him.

Dated _____ 19 _____

Registrar.

To _____
of _____

I do hereby require you to file with me the undersigned Commissioner a written statement dealing with the claim against you in the above application within _____ days after service thereof on you.

And further take notice that if you fail to forward the statement in writing an order may be made against you in default.

Dated this _____ day of _____ 19 _____

Commissioner.

FORM E.
(See Regulation 12)

NOTICE TO APPLICANT OF DAY UPON WHICH HEARING WILL BE PROCEEDED WITH.

THE WORKMEN'S COMPENSATION ORDINANCE, 1937.

_____ residing at _____
_____, applicant

versus

_____ residing at _____
_____, respondent.

Take notice that the Commissioner will proceed with the hearing of the application in this matter at _____ on _____ the _____ day of _____ at the hour of _____ o'clock in the _____ noon.

Dated this _____ day of _____ 19 _____

Registrar.

NOTICE TO RESPONDENT OF DAY UPON WHICH HEARING WILL BE PROCEEDED WITH.

THE WORKMEN'S COMPENSATION ORDINANCE, 1937.

_____ residing at _____
_____, applicant

versus

_____ residing at _____
_____, respondent.

Take notice that the Commissioner will proceed with the hearing of the application in the matter at _____ on _____ the _____ day of _____ at the hour of _____ o'clock in the _____ noon, and that if you do not attend at the time and place abovementioned such order will be made and proceedings taken as the Commissioner may think just and expedient.

Dated this _____ day of _____, 19 _____

To _____
of _____

Registrar.

FORM F.
(See Regulation 18)

ORDER.

(NOTE.— These forms are intended for use in ordinary cases only)

(1) In case of application for half-monthly payment of compensation.

Having duly considered the matters submitted to me, I do hereby order as follows :—

(Here insert any introductory recitals of findings on which the order is made which the Commissioner may think fit)

1. I order that the respondent C.D. do pay to the applicant A.B. the half-monthly sum of _____ as compensation for personal injuries caused to the said A.B. on the _____ day of _____ by injury arising out of and in the course of his employment as a workman employed by the said respondent, such half-monthly payment to commence as from the _____ day of _____, and to continue during the total or partial incapacity of the said A.B. for work, or until the same shall be ended, diminished, increased or redeemed in accordance with the provisions of the Workmen's Compensation Ordinance 1937.

2. And I order that the said C.D. do forthwith pay to the said A.B. the sum of £ _____ being the amount of such half-monthly payments calculated from the _____ day of _____ until the _____ day of _____ and do thereafter pay _____ the said sum of _____ to the said A.B. on the _____ and _____ days of each month.

3. And I order that the said C.D. do pay to the applicant his costs of or incidental to the proceedings, such costs, in default of agreement between the parties as to the amount thereof, to be taxed under the scale of costs applicable to actions in the Magistrate's Court, and to be paid by the said C.D. within 14 days of the date of the certificate of the result of such taxation.

Dated this _____ day of _____, 19 _____

Commissioner.

(ii) In case of application by Dependents.

Having duly considered the matters submitted to me, I do hereby order as follows :—

(Here insert any introductory recitals of findings on which the order is made which the Commissioner may think fit)

1. I order that the respondent C.D. do pay the sum of £ _____ to the dependants of A.B., late of _____ deceased, as compensation for the injury resulting to such dependants from the death of the said A.B. which took place on the _____ day of _____ from injury caused to the said A.B. on the _____ day of _____ by accident arising out of and in the course of his employment as a workman employed by the said respondent.

2. And I declare that the persons hereinafter named are entitled to share in such compensation as dependants of the said A.B., that is to say J.B. the widow of the said A.B. and (name the other persons).

3. (Add if so found) And I declare that G.H. the _____ of the said A.B. is not entitled to share in such compensation as a dependant of the said A.B.

4. And I order that the said sum of £ _____ be apportioned between the said J.B. and in the proportions following, that is to say :—

I apportion the sum of £ _____ to and for the benefit of the said J.B. and the sum of £ _____ to and for the benefit of the said _____

5. And I order that the said C.D. do pay the said sum of £ _____ within 14 days from the date of this order.

6. And I order that the said J.B. and the said _____ or any of them, be at liberty to apply to me from time to time for any further or other order as to the application of any of the said sums which may be ordered to be invested and the interest accruing thereon.

7. And I order that the said C.D. do pay to the applicants their costs of and incident to these proceedings, etc.

Dated this _____ day of _____, 19 _____

Commissioner.

(iii) In case of application by person to whom expenses of medical attendance or burial are due.

Having duly considered the matters submitted to me, I do hereby order as follows :—

(Here insert any introductory recitals of findings on which the order is made which the Commissioner may think fit)

1. I order that the respondent C.D. do pay the sum of £ _____ for or towards the expenses of medical attendance on and the burial of A.B., late of _____ deceased, who died on the day of _____ from injury caused on the day of _____ by accident arising out of and in the course of the employment of the said A.B. as a workman employed by the said C.D.

2. And I declare that the persons hereinafter named are entitled to share in such compensation, that is to say :—

The applicant E.F. in respect of charges amounting to £ _____ due to (or payable by) him for medical attendance on the said A.B., and the applicant G.H. in respect of charges amounting to £ _____ due to him for the burial of the said A.B.

Dated this _____ day of _____, 19 _____

Commissioner.

(NOTE.— The above forms will serve as guides for framing orders in other cases).

FORM G.
(See Regulation 19)

(THE WORKMEN'S COMPENSATION ORDINANCE, 1937)

RETURN OF SERVICE OF PROCESS FROM THE COMMISSIONER
FOR WORKMEN'S COMPENSATION.

Name of Applicant.	Name of Respondent.	Document Served.	Date of Service.	Place of Service.	Mode of Service.

I do swear that the above return of service is true and in accordance with the facts of such service.

(Signed)

Deponent.

Sworn before me by the above-named deponent this day of , 19 .

(Signed) *Magistrate
Justice of the Peace* }

FORM H.
(See Regulation 28)

MEMORANDUM OF AGREEMENT.

It is hereby submitted that on the day of , 19 , personal injury was caused to , residing at by accident arising out of and in the course of employment in . The said injury has resulted in temporary disablement to the said workman whereby it is estimated that he will be prevented from earning more than of his previous any wages for a period of months. The said workman has been in receipt of half-monthly payments which have continued from the day of amounting to £ in all. The said workman's monthly wages are estimated at £ . The workman is over the age of 18 years will reach the age of 18 years on .

It is further submitted that the employer of the said workman has agreed to pay, and the said workman has agreed to accept the sum of £ in full settlement of all and every claim under the Workmen's Compensation Ordinance, in respect of all disablement of a temporary nature arising out of the said accident whether now or hereafter to become manifest. It is therefor requested that this memorandum be duly recorded.

It is further submitted that the employer has paid and/or agreed to pay the sum of £ as costs.

Dated

Signature of employer

Witness

Signature of workman

Witness

[NOTE.— An application to register an agreement can be presented under the signature of one party, provided that the other party has agreed to the terms. But both signatures should be appended, (whenever possible).]

Receipt (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received the sum of £

Workman.

Dated

19 .

The money has been paid and this receipt signed in my presence.

Witness.

MEMORANDUM OF AGREEMENT.

It is hereby submitted that on the _____ day of _____ 19____, personal injury was caused to _____, residing at _____ by accident arising out of and in the course of his employment in _____. The said injury has resulted in permanent disablement to the said workman of the following nature, namely :-

The said workman's monthly wages are estimated at £ _____.

The workman is over the age of 18 years.
will reach the age of 18 years on _____.

The said workman has, prior to the date of this agreement, received the following payments, namely --

It is further submitted that _____, the employer of the said workman, has agreed to pay, and the said workman has agreed to accept the sum of £ _____ in full settlement of all and every claim under the Workmen's Compensation Ordinance in respect of the disablement stated above and all disablement now manifest. It is therefore requested that this memorandum be duly recorded.

It is further submitted that the employer has paid and/or agreed to pay the sum of £ _____ as costs.

Dated _____

Signature of employer _____

Witness _____

Signature of workman _____

Witness _____

[NOTE.— An application to register an agreement can be presented under the signature of one party, provided that the other party has agreed to the terms. But both signatures should be appended, (whenever possible).]

Receipt (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received the sum of £ _____

Dated _____

19____

Workman.

The money has been paid and this receipt signed in my presence.

Witness.

MEMORANDUM OF AGREEMENT.

It is hereby submitted that on the _____ day of _____ 19____, personal injury was caused to _____, residing at _____ by accident arising out of and in the course of his employment in _____. The said injury has resulted in temporary disablement to the said workman, who is at present in receipt of wages amounting to £ _____ no wages per month. The said workman's monthly wages prior to the accident are estimated at £ _____. The workman is subject to a legal disability by reason of _____.

It is further submitted that the employer of the workman has agreed to pay and on behalf of the said workman has agreed to accept half-monthly payments at the rate of _____ for the period of the said temporary disablement. This agreement is subject to the condition that the amount of the half-monthly payments may be varied in accordance with the provisions of the Workmen's Compensation Ordinance on account of an alteration in the earnings of the said workman during disablement. It is further stipulated that all rights of commutation under Section 7 of the said Ordinance are unaffected by this agreement. It is therefore requested that this memorandum be duly recorded.

It is further submitted that the employer has paid and/or agreed to pay the sum of £ _____ as costs.

Dated _____

Signature of employer _____

Witness _____

Signature of workman _____

Witness _____

[NOTE.— An application to register an agreement can be presented under the signature of one party, provided that the other party has agreed to the terms. But both signatures should be appended, (whenever possible).]

Receipt (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received the sum of £ _____

Dated _____

19____

Workman.

The money has been paid and the receipt signed in my presence.

Witness.

FORM L-1

(See Regulation 29)

had
have

19

FORM M.

(See Regulations 29 and 30)

. 19

19

FORM N.

(See Regulation 30)

has
have

, 19

19

FORM ()

(See Regulation 30)

has
have

of showing cause at

19

FORM P.

(See Regulation 32)

REGISTER OF AGREEMENTS FOR THE YEAR 19

Serial No.

Date of Agreement.

Date of Registration.

Employer:

Workman.

Initials of Registrar:

Reference to orders rectifying the register.

Address of person
against whom order
made.

Amount and partic-
ulars.

FORM Q.
(See Regulation 33)

DEPOSIT OF COMPENSATION FOR FATAL ACCIDENT.

(Section 8 (1) of the Workmen's Compensation Ordinance, 1937)

Compensation amounting to £ is hereby presented for deposit in respect of injuries resulting in the death of residing at which occurred on , 19 . His monthly wages were estimated at . He was $\frac{\text{over}}{\text{under}}$ the age of 18 years at the time of his death.

The said workman had, prior to the date of his death, received the following payments, namely :-

amounting in all to

Dated , 19 . *Employer.*

(To be added if desired) I desire to be made a party to the proceedings for distribution of the aforesaid compensation.

Employer.

FORM R.
(See Regulation 33)

RECEIPT FOR COMPENSATION.

(Deposited under Section 8 (1) of the Workmen's Compensation Ordinance, 1937)

Book No. Receipt No. Register No.
Depositor
Deceased workman
Date of deposit 19
Sum deposited £

Registrar.

FORM S.
(See Regulation 33)

STATEMENT OF DISBURSEMENTS.

(Section 8 (5) of the Workmen's Compensation Ordinance, 1937)

Serial No.

Depositor

Amount deposited £

Date	£	s.	d.
Funeral expenses paid			
Compensation paid to the following dependants.			
Name Relationship			
Total			

Dated . 19 .

Registrar.

FORM T.
(See Regulation 36)

DEPOSIT OF COMPENSATION FOR NON-FATAL ACCIDENTS.

(Section 8 (2) and (3) of the Workmen's Compensation Ordinance, 1937)

Compensation amounting to £ is hereby presented for deposit in respect of permanent injuries sustained by residing at which temporary occurred on 19 .

Dated 19 .

Employer.

FORM U.
(See Regulation 36)

RECEIPT FOR COMPENSATION.

(Deposit under Section 8 (2) or (3) of the Workmen's Compensation Ordinance, 1937)

Book No. Receipt No. Register No.
Depositor
In favour of
Date of Deposit 19
Sum deposited £

Registrar.

FORM V.
(Under Regulation 38)

APPLICATION FOR REVIEW OF HALF-MONTHLY PAYMENT.

To the Registrar,

residing at
, applicant
versus
residing at
, respondent.

Application is hereby made for the review (termination, diminution, increase, or redemption as the case may be) of the half-monthly payment payable to the said
in respect of personal injury caused to him by accident arising out of and in the course of his employment.

Particulars are hereto appended.

PARTICULARS.

1. Name and address of injured workman.
2. Name and place of business of employer by whom compensation is payable.
3. Date and nature of accident.
4. Amount of half-monthly payment and date from which it commenced.
5. Relief sought by applicant. (whether termination, diminution, increase, or redemption).
6. Grounds of application.

Dated this day of , 19 .

(Signed)

Applicant.

FORM W.
(See Regulation 42)

REGISTER OF ORDER FOR THE YEAR 19 .

Serial No.	Date of Order.	Date of registration.	Employer.	Workman.	Initials of Registrar.	Reference to orders rectifying the register.	Address of person against whom order made.	Amount and particulars.

FALKLAND ISLANDS.

Customs Ordinance 1943.

Regulations made under the Customs Ordinance 1943.

No. 10 of 1948.

MILES CLIFFORD,
Governor.

In pursuance of the powers in him vested by the Customs Ordinance, 1943, His Excellency the Governor by and with the advice and consent of the Executive Council, is pleased to make and hereby makes the following Regulations :—

1. These Regulations may be cited as The Oil, etc., (Export) (Amendment) Regulations 1948 and shall be read as one with The Oil etc. (Export) Regulations 1948 (hereinafter referred to as "the Regulations"). Short title.

2. Regulations 3 (1) 4 and 5 of the Regulations shall be amended by the insertion of the words "tallow, hides and skins" after the word "products" where ever it shall appear in the Regulations. Amendments
Sections 3 (1) 4 and 5.

3. Regulation 4 of the Regulations shall be amended by the substitution of the word "containers" for the word "bags" in line 7.

4. The following Regulations shall be inserted after Regulation 5 of the Regulations :

"5A. (1) Any person exporting wool, tallow, hides, skins, or any other product of any kind whatsoever upon which an export duty is assessed on the selling price, shall within six calendar months from the date of clearance of the exporting vessel (or any extension of such period as the Collector of Customs shall agree) deliver to the Collector of Customs, Stanley, a certificate of sale in the Form E in the schedule hereto and shall make and sign a declaration as to the truth of the said certificate. No certificate shall cover produce from more than one station.

5. The forms set out in the Schedule shall be forms D and E in the Schedule to the Regulations. Forms.

Made by the Governor in Executive Council on the 19th day of October, 1948.

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

M.P. 0378.

FALKLAND ISLANDS.

Regulations made by the Governor in Council under the Defence Force Ordinance, 1920.

MILES CLIFFORD,

No. 11 of 1948.

Governor.

In exercise of the powers vested in him by section 37 of the Defence Force Ordinance, 1920, and with the advice and consent of the Executive Council His Excellency the Governor is pleased to make and hereby makes the following Regulations :

1. These Regulations may be cited as the Defence Force Regulations, 1948.
2. Regulation 3 of the Defence Force Regulations, 1946, is hereby rescinded.

Made by the Governor in Executive Council on the 20th day of December, 1948.

L. W. ALDRIDGE,

Clerk of the Executive Council.

M.P. 601/21.

FALKLAND ISLANDS.

Regulations under the Road Traffic Ordinance, 1948.

MILES CLIFFORD,
Governor.

No. 12 of 1948.

His Excellency the Governor in exercise of the powers vested in him by section 18 of the Road Traffic Ordinance, 1948, and with the advice and consent of the Executive Council is pleased to make and hereby makes the following Regulations.

1. These Regulations may be cited as the Road Traffic Regulations, 1948. Short title.

2. (1) Application for registration shall be made in the applicant's handwriting to the Chief Constable on the form A set out in the Schedule. Registration of Motor Vehicles.

(2) The prescribed identification mark shall be a plate of a size, shape and material approved by the Chief Constable bearing in white on a black background the number assigned to the particular motor vehicle by the Chief Constable.

(3) The prescribed positions shall be :

- (a) on the front and on the back of the vehicle except in the case of a trailer when the identification mark shall be on the back of the vehicle only and except as provided in sub-paragraph (b) hereof be exhibited so that in normal daylight the figures of the front and the rear identification mark shall be easily distinguishable by an observer in front of or behind the vehicle as the case may be at a distance of 60 feet in the case of a motor cycle or invalid carriage and 75 feet in every other case;
- (b) in the case of a motor cycle or an invalid carriage the front identification mark shall be so fixed that from whichever side the vehicle is viewed the figures on one or other face of the plate are easily distinguishable although they may not be distinguishable from the front of the vehicle.

(4) A motor vehicle shall not be registered or used on a road if :

- (a) its nett weight exceeds 8 cwts. and it is incapable of travelling backwards and forwards under its own power,
- (b) its chassis weight exceeds 30 cwts. unless it has been registered prior to the date of these Regulations.

3. (1) Application for a motor vehicle or trailer licence shall be made to the Chief Constable in the form B set out in the Schedule. Motor vehicle or trailer licence.

(2) No trailer which together with its load exceeds 30 cwts. shall be used on a road.

4. (1) Application for a driver's licence shall be made to the Chief Constable in the applicant's handwriting in the form C set out in the Schedule and a fee of 5/- shall be paid with each application. Driver's licence.

(2)* Every applicant for a driver's licence shall unless he held a driver's licence on the 1st day of January, 1948, or a licence to drive issued in the United Kingdom be tested by the Chief Constable at the time of application.

(3) Driver's licences shall be renewed and the licence fee of 5/- paid annually on the 1st day of January in every year.

(4) A provisional driver's licence shall be subject to the following conditions :

- (a) in the case of a motor cycle to which a sidecar is not attached the holder shall not carry a passenger other than the holder of a driver's licence for at least two years immediately preceding such carrying or one who has passed the test provided for in section 5 (3) of the Road Traffic Ordinance, 1948;
- (b) in the case of every other motor vehicle the holder shall drive only when under the supervision of the holder of a driver's licence for at least two years immediately preceding such driving or has passed the test provided for in section 5 (3) of the Road Traffic Ordinance, 1948, who shall be present in the vehicle with him.

Third party insurance.

5. (1) A policy of insurance shall be one issued by an Insurance Company registered in the United Kingdom and shall insure such persons or classes of persons as may be specified in the policy in respect of any liability which may be incurred by them in respect of the death or of the bodily injury to any person caused by or arising out of the use of the vehicle on a road : Provided that such a policy shall not be required to cover

- (a) liability in respect of the death or of the personal injury to a person in the employment of the person insured arising out of and in the course of his employment; or
- (b) except in the case of a vehicle in which passengers are carried for hire or by reason of or in pursuance of a contract of employment, liability in respect of the death or of the bodily injury to persons being carried in or upon or getting on to or alighting from the vehicle at the time of the occurrence of the event out of which the claim arises; or
- (c) any contractual liability.

(2) The policy of insurance shall provide for the payment to the hospital for treatment of any person who has died or received bodily injury arising out of the use of a motor vehicle on a road the hospital scale of charges in respect thereof.

(3) The policy of insurance shall be produced to the Chief Constable on application for a motor vehicle licence under Regulation 3.

Warning instrument.

6. Every vehicle shall be fitted with an instrument capable of giving audible and sufficient warning of its approach or position provided that the Chief Constable may prohibit the use of any instrument which in his opinion might cause annoyance to the public.

Lights.

7. (1) Whenever a motor vehicle is on a road between one hour after sunset and one hour before sunrise it shall carry

- (a) a lamp so contrived as to illuminate every figure of the identification mark exhibited on the back of the vehicle or trailer attached thereto and to render them easily distinguishable in the absence of fog by an observer behind the vehicle 50 feet in the case of a motor cycle or invalid carriage and 60 feet in every other case; and
- (b) two lamps fixed on opposite sides of the vehicle each

showing to the front a white light visible from a reasonable distance provided that a motor cycle shall show one such light as aforesaid and that if a sidecar is attached to a motor cycle the sidecar shall carry one lamp on the nearside showing to the front a white light visible from a reasonable distance and

- (c) one lamp showing to the rear a red light visible from a reasonable distance

and every such lamp shall be kept lighted and in an efficient state and shall be attached to the vehicle in the positions required by the Chief Constable.

(2) No vehicle shall carry a lamp showing a red light to the front.

(3) No vehicle shall carry any light other than a red light to the rear.

(4) No light shewn by a vehicle other than a dipping head light shall be moved by swivelling, deflecting or otherwise while the vehicle is in motion.

(5) No lamp showing a light to the front shall be used on any vehicle unless such lamp is so constructed, fitted and maintained that the beam of light therefrom :

- (a) is permanently deflected downwards to such an extent that it is at all times incapable of dazzling any person standing on the same horizontal plane as the vehicle at a greater distance than 25 feet from the lamp whose eyelevel is not less than 3ft. 6ins. above that plane, or
- (b) can be deflected downwards or both downwards and to the left at the will of the driver in such a manner as to render it incapable of dazzling any such person in the circumstances aforesaid, or
- (c) can be extinguished by the operation of a device which at the same time causes beams of light to be emitted from the lamp which complies with sub-paragraph (a) of this Regulation, or
- (d) can be extinguished by the operation of a device which at the same time either deflects the beam of light from another lamp downwards or both downwards and to the left in such manner as to render it incapable of dazzling any such person in the circumstances aforesaid.

(6) Whenever a trailer is on a road between one hour after sunset and one hour before sunrise it shall carry the lamps prescribed in paragraph (1) (a) and (c) of this Regulation and every such lamp shall be kept lighted and in an efficient state and attached to the vehicle in the positions required by the Chief Constable.

Paragraph 5 of this Regulation shall not apply to any lamp fitted with an electric bulb if the power of the bulb does not exceed 7 watts and the lamp is fitted with frosted glass or other material which has the effect of diffusing the light.

8. Every motor vehicle other than a motor cycle, shall be equipped with a reflecting mirror which is to be fitted in such manner that the driver may observe any overtaking traffic.

Mirrors.

9. The glass of wind screens and windows facing to the front of any vehicle shall be safety glass.

Safety glass.

10. An efficient automatic windscreen wiper shall be fitted to

Windscreen wipers.

every motor vehicle which is so constructed that the driver cannot by opening the windscreen or otherwise obtain an adequate view to the front of the vehicle without looking through the windscreen.

Silencers.

11. All motor vehicles shall have efficient silencers fitted for reducing the noise made by the escape of exhaust gases.

Tyres.

12. No motor vehicle or trailer shall be driven on any road unless it is fitted with pneumatic tyres. Provided that in case of particular vehicles, or particular classes of motor vehicles, the Governor may authorise the issue of special permits allowing the use of solid tyres of soft or elastic material. Such tyres shall conform in all respects to such conditions as may be prescribed.

Brakes.

13. (1) Every motor vehicle shall be equipped with two entirely independent braking systems, or with one efficient braking system having two independent means of operation, in each case so designed and constructed that the failure of any single portion of any braking system shall not prevent the brakes on two wheels, or, in the case of a vehicle having less than four wheels, on one wheel, from operating effectively so as to bring the vehicle to rest within a reasonable distance: provided that in the case of a single braking system, the two means of operation shall not be deemed to be otherwise than independent solely by reason of the fact that they are connected either directly or indirectly to the same cross shaft.

(2) In the case of a motor vehicle having more than three wheels and equipped with two independent braking systems, each such system shall be so designed and constructed, that if the brakes thereof act either directly or indirectly on two wheels, they shall act on two wheels on the same axle.

(3) Where, in the case of a single braking system, the means of operation are connected directly or indirectly to the same cross shaft, the brakes applied by one of such means shall act on all of the wheels of the motor vehicle directly and not through the transmission gear.

(4) In all cases the brakes operated by one of the means of operation shall be applied by direct mechanical action without the intervention of any hydraulic, electric, or pneumatic device.

(5) In all cases the brakes operated by one of the means of operation shall act directly upon the wheels and not through the transmission gear.

(6) Every trailer having four or more wheels shall have an efficient braking system the brakes of which act upon

- (a) at least two wheels in the case of a trailer having not more than four wheels, and
- (b) at least four wheels in the case of a trailer having more than four wheels, so constructed that the brakes are capable of being set so as effectually to prevent two at least of the wheels from revolving when the trailer is not being drawn.

(7) In all cases where the braking system on a trailer having four or more wheels cannot be operated from the tractor vehicle, a person shall be carried on the trailer for the purpose of operating the braking system on the trailer.

(8) Except in the case of motor cycles with or without sidecars attached, every motor vehicle shall be equipped with a braking system so designed and constructed that it can be set so as effectually to prevent two at least, or in the case of a vehicle with only three wheels, one of the wheels from revolving when the vehicle is not being driven or is left unattended.

14. (1) The Chief Constable may direct that an inspection and test of any motor vehicle be carried out prior to issuing a licence or during the period when a licence is in force. Such inspection or test shall be carried out at the expense of the owner of the vehicle and if the vehicle is considered by the Inspecting Officer to be dangerous or unfit for use no licence shall issue or a licence if in force shall be suspended until the Inspecting Officer certifies (form E in Schedule) that the vehicle is fit for use.

Inspection and tests.

(2) The Executive Engineer or his representative shall be the Inspector for the purpose of the foregoing section and shall be empowered to carry out such inspections or tests of motor vehicles as may be considered necessary for the purpose of these regulations.

(3) The fee to be charged for each inspection or test shall be such sum not exceeding one pound as the Governor may direct.

(4) A motor vehicle licence shall not be issued in respect of any motor vehicle so tested until it has been certified as fit to be licensed and any licence issued in respect thereof shall be suspended until all defects in the vehicle are remedied or such licences may be revoked: Provided that any person aggrieved by any refusal to grant, suspension of or revocation of a licence may appeal to the Magistrate who may make such order as he thinks fit.

15. (1) No person in charge of a motor vehicle shall

Duties of Driver.

- (a) cause or permit the vehicle or trailer to stand on a road so as to cause an unnecessary obstruction thereof.
- (b) leave the vehicle without having stopped the engine and set the brake so as effectually to prevent the vehicle from being moved.

(2) A person while actually driving a motor vehicle shall

- (a) when any accident occurs whereby damage or injury is caused to any person, vehicle, bicycle, horse, cattle, ass, mule, sheep, pig, goat or dog, stop and give his name and address, and the name and address of the owner and the identification marks of the vehicle to any person having reasonable grounds for requiring him so to do,
- (b) in the case of an accident as aforesaid if he does not for any reason give his name and address to any person as aforesaid, report the accident to the police station as soon as practicable and in any case within 24 hours of the occurrence thereof,
- (c) comply with every road sign erected by the Government or Stanley Town Council and with any signal by a police officer in uniform,
- (d) not carry a load the weight, position or condition of which would in the opinion of the Chief Constable constitute a danger to other users of a road.

16. The Motor Car Regulations, 1936, the Motor Car (Amendment) Regulations, 1946, the Motor Car (Speed and Weight) Regulations, 1947, and the Motor Car Regulations, 1948, are hereby rescinded.

Rescissions.

SCHEDULE.

FALKLAND ISLANDS.

FORM A.

APPLICATION FOR REGISTRATION OF A MOTOR VEHICLE.

I hereby declare that I am entitled to the possession of the motor vehicle described below, and apply to be registered as the owner thereof :-

1. Full name of owner
2. Address of owner
3. Name of manufacturer
4. Description of vehicle (1)
5. Manufacturer's number of chassis
6. Manufacturer's number of engine
7. Horse-power
8. Type of body (2) :-
Description
Colour
Number of seats
9. Description of side-car (3)
10. Nett weight cwts. qrs. lbs.
11. Gross weight (4) cwts qrs. lbs.
12. Number of passengers which it is proposed to carry
13. Description of Tyres
14. Place where vehicle will usually be kept
15. Purpose for which vehicle will be used :-
(a) Private use.
(b) Conveyance of goods. (Load area sq. ft.).
(c) Conveyance of goods and passengers (5)

And I hereby declare that the described motor vehicle has not previously been registered in the Falkland Islands, and that the above particulars are true and accurate in every respect.

Dated 19

.....
(Signature of applicant.)

- NOTES. (1) State whether the vehicle is a motor cycle, etc.
(2) In the case of motor cycles, particulars under this head need not be given.
(3) Particulars only required in case of motor cycles.
(4) "Gross Weight" means the unladen weight plus the weight which the vehicle is carrying when fully laden.
(5) Refers to motor vehicles primarily designed for the purpose of carrying goods, but on which it is also desired to carry passengers.

FORM B.

APPLICATION FOR A MOTOR VEHICLE / TRAILER LICENCE.

I hereby declare that I am the owner of the motor vehicle/trailer described below, and apply for a licence expiring on 19

1. Full name of owner
2. Address of owner
3. Description of vehicle / trailer
4. Identification mark
5. Horse-power
6. (For commercial vehicles) Load area sq. ft.
7. Number of wheels.
8. Description of tyres
9. Amount payable

Dated 19

.....
(Signature of applicant.)

FORM C.

APPLICATION FOR A DRIVER'S LICENCE. (1)

To the Chief Constable at

1. I, (2) of hereby apply for a driver's licence to drive (3)
2. I was born at (4) on the (5)
3. I am not suffering from any physical or mental disability which prevents me from driving in a safe and proper manner.
4. I have never before applied for or been granted or refused or disqualified for obtaining a driver's licence, or
- 4a. I was first granted a driver's licence on at
5. Particulars of any endorsement of any driver's licence held or previously held by me
6. Particulars of any disqualification for obtaining a driver's licence (Court by which, date on which, and period for which such disqualification was imposed)
7. And I hereby declare that the above particulars are true and accurate in every respect.

Dated 19

.....
(Signature of applicant.)

- (1) Application form to be completed in applicant's own hand-writing.
- (2) Full name and address.
- (3) State class of vehicle, i.e., "motor cycle" or any class of "motor vehicle".
- (4) Place of birth.
- (5) Date of birth.

FORM D.
DRIVING LICENCE.

No.....

(Name)

(Address)

is hereby licensed to drive a motor vehicle/cycle subject to the conditions stated overleaf.

This licence expires on 19 .

Fee 5/- Paid.

Dated 19 .

.....
Chief Constable.

FORM E.
CERTIFICATE OF FITNESS.
Description of Vehicle.

1. Name of owner
2. Address of owner
3. Identification mark
4. Purpose for which to be used

I hereby certify that I have examined the above vehicle, and find that it complies with the provisions of the Road Traffic Ordinance, 1948, and the Regulations made thereunder, and is fit to be licensed as a

(Insert any special conditions necessary in the interests of safety).

or

I hereby certify that I have examined the above vehicle, and find that it is unfit to be licensed as a by reasons of the following irremediable defects, viz :-

or

I hereby certify that I have examined the above vehicle, and find that it is unfit to be licensed as a by reasons of the following remediable defects, viz :-

Dated 19 .

.....
(Signature)

The above-mentioned defects have now been remedied to my satisfaction.

Dated 19 .

.....
(Signature)

FALKLAND ISLANDS.

Regulations made by the Governor in Council under Section 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. MILES CLIFFORD,
Governor.

PART I. - PRELIMINARY.

1. These Regulations may be cited as the Air Transport Short title.
(Licensing of Air Services) Regulations, 1948.

2. In these Regulations and the Schedules thereto, unless the Interpretation.
context otherwise requires -

"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 Colony" means the Colony of the Falkland Islands and its Dependencies;

"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.

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

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 the 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. Flying without licence 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 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.

Grant of Licence by Governor in Council.

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.

(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.

Enquiry 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 enquiry 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 if—

Revocation and suspension of Licence.

- (a) 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 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) 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 such 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 enquiry 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 Colonial Treasurer in respect of every licence a fee of ten pounds in respect of each year or part of a year of the term for which the licence is expressed to remain in force. (2) There shall be paid to the Colonial 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.	
Application of Part III.	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.	
Flying without permit an offence.	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. (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.	
Grant of permit by Governor in Council.	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. (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.
	20. (1) The Governor in Council may revoke or suspend any permit if— (a) 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, 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) 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.	Revocation and suspension of permit.
	PART IV. — GENERAL PROVISIONS.	
	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.	Licensee shall comply with law of air navigation and air transport.
	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.	Licence not transferable.
	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. (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	Proceedings.

to the nature of his functions in that capacity and to all the circumstances.

PART V. - EXEMPTIONS.

Non-applicability of Regulations.

26. Nothing in these Regulations shall apply to -

- (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 that Government of that country.

Made by the Governor in Executive Council at a meeting held on the 19th day of October, 1948.

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

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.

FALKLAND ISLANDS.

Defence Force Ordinance 1920.

Regulations as to war time service qualifying for grant of Efficiency Decoration.

MILES CLIFFORD,
Governor.

In pursuance of Royal Warrant and with the gracious approval of His Majesty the King signified through the Right Honourable the Secretary of State for the Colonies His Excellency the Governor is pleased to make the following Regulations.

1. An Officer of the Defence Force who was called out for service under Proclamation No. 6 of 1939 shall be allowed to count his embodied commissioned service twofold as qualifying service towards the award of the Efficiency Decoration.

2. A Warrant Officer, Non-commissioned Officer or man who was serving in the Defence Force on 2nd September, 1939 and called out for service under Proclamation No. 6 of 1939 and subsequently granted a commission in the Defence Force shall count his embodied service in the ranks as full but not double qualifying service for the award of the Efficiency Decoration.

3. In these Regulations "embodied service" shall mean service from the date of calling up to actual date of disembodiment of the individual concerned.

4. These Regulations shall be read and construed with the Regulations relating to the award of the Efficiency Decoration 1935 as if they formed part thereof.

Stanley,

18th February, 1948.

M.P. 189/42.

FALKLAND ISLANDS.

Defence Force Ordinance 1920.

Regulations as to war time service qualifying for grant of Efficiency Medal.

MILES CLIFFORD,
Governor.

In pursuance of Royal Warrant and with the gracious approval of His Majesty the King signified through the Right Honourable the Secretary of State for the Colonies His Excellency the Governor is pleased to make the following Regulations.

1. Warrant Officers, non-commissioned Officers and men of the Defence Force who were called out for service under Proclamation No. 6 of 1939 shall be allowed to count their embodied service twofold as qualifying service towards the award of the Efficiency Medal and clasps thereto.

2. Warrant Officers, non-commissioned Officers and men of the Defence Force who served not less than two months in each calendar year in the ranks with any of His Majesty's forces during the World War 1939-45 shall be allowed to count as the equivalent of two annual "trainings" but not more than two "trainings" (including equivalent service) shall be counted in any one year for the purpose of these Regulations.

3. Warrant Officers, non-commissioned Officers and men of the Defence Force who were discharged from His Majesty's forces during the World War 1939-45 because of wounds or illness contracted on service and subsequently during the period of embodiment referred to in Regulation 1 above voluntarily re-enlisted in the Defence Force shall be allowed to count their embodied service twofold as qualifying service as aforesaid.

4. Officers, Warrant Officers, non-commissioned Officers and men of the Defence Force who served as officers on the active list of any of His Majesty's armed forces shall subject to the Regulations relating to the award of the Efficiency Medal 1935 be eligible for the award of the Efficiency Medal and Clasps and to be allowed to count their service as officers as qualifying service for the Medal and clasps except that officers who before 2nd September 1939 had qualified for the award of the Efficiency Decoration shall not be eligible for the Medal and Clasps unless they are qualified under the Regulations relating to the award of the Efficiency Medal 1935.

5. Any person who under Regulation 4 above receives an Efficiency Medal or Clasp and is or subsequently becomes entitled to an Efficiency Decoration shall not be permitted to wear such Medal and Clasp with the Efficiency Decoration except under the conditions laid down in Regulation 5 I of the Regulations relating to the award of the Efficiency Decoration 1935.

6. In these Regulations "embodied service" shall mean service from the date of calling up to actual date of disembodiment of the individual concerned.

7. These Regulations shall be read and construed with the Regulations relating to the award of the Efficiency Medal 1935 as if they formed part thereof.

Stanley,
18th February, 1948.

M.P. 189/42.

FALKLAND ISLANDS.

Supreme Court.

Rules of Court.

No. 1 of 1948.

MILES CLIFFORD,
Governor.

1. These Rules may be cited as the Consolidation (Amendment) Rules 1948 and shall be read as one with the Consolidation Rules 1922.

2. Rule 31 of the Consolidation Rules 1922 is hereby rescinded and the following rule substituted therefor :

“Proceedings shall be commenced by delivering to the Registrar a Petition in the Form A set out in the Schedule hereto together with an affidavit by the Petitioner verifying the facts of which he has personal knowledge and deposing as to his belief in the truth of the other facts alleged therein. The Registrar shall thereupon issue the notices to appear in the Form B set out in the Schedule hereto”.

THE SCHEDULE.

FORM A.

DIVORCE AND MATRIMONIAL CAUSES.

To His Honour the Judge.

The day of 19 .
The Petition of A.B. of , sheweth, —

1. That your petitioner was on the day of 19 , lawfully married to C.B., then C.D., (Spinster or Widow) at the Parish Church of, &c.

(Here state where the marriage took place)

2. That after his said marriage your petitioner lived and cohabited with his said wife at and at , and that your petitioner and his said wife have had issue of their said marriage children to wit :

(Here state the name and ages of the children of the marriage)

3. That on the day of 19 , and on other days between that day and the said C.B., at in , committed adultery with R.S.

4. *(Here set out in detail in separate paragraphs the alleged matrimonial offences or other ground upon which relief is sought).*

Your petitioner therefore humbly prays, —

That your Honour will be pleased to decree :

(Here set out the relief sought)

And that your Petitioner may have such further and other relief in the premises as may seem fit.

(Petitioner's signature).

FORM B.

In the Supreme Court
Falkland Islands.

To _____ of _____

Take Notice that you are required within 8 days (30 days if residing outside Stanley) after service hereof upon you, inclusive of the day of service to make answer to this petition (answer) and that in default of your so doing the Court will proceed to hear the petition (answer) and pronounce judgment, your absence notwithstanding.

Dated at Stanley, Falkland Islands the _____ day of _____ 19 _____

.....
Registrar.

Made by the Governor in Council at a meeting held on the 20th day of December 1948.

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

M.P. 64/23.