

Assented to in Her Majesty's name this 30th day of October, 1964.

C. Haskard
Governor.



No. 12



1964

Colony of the Falkland Islands.

IN THE THIRTEENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II.

Cosmo Dugal Patrick Thomas Haskard, C.M.G., M.B.E.
Governor.

An Ordinance

To make provision for the application of part of the Maintenance Orders Act, 1958, to the Colony.

Title.

[1st November, 1964]

Date of commencement.

ENACTED by the Legislature of the Colony of the Falkland Islands as follows —

Enacting clause.

1. This Ordinance may be cited as the Maintenance Orders Ordinance, 1964.

Short title.

2. The Maintenance Orders Act, 1958, is hereby applied to the Colony, to the extent and with the variations and modifications mentioned in the Schedule to this Ordinance.

Application of the Maintenance Orders Act, 1958 (6 & 7 E.2, c.39).

SCHEDULE

Extent, Variations and Modifications.

Enactment.

- (i) Part II except sections 6 (3) (c) (i), 6 (5), 9 (2) (a), 9 (2) (b), 13 (3), and 14 (4), Part III except sections 20 (3) (a), 21 (5), 21 (6), 22, 23 (1), 23 (2) and 23 (3) and the Schedule.
- (ii) any reference to "the date of commencement of this Act" or similar expression, shall be construed as a reference to the date of this Ordinance, any reference to "England" shall be construed as a reference to the Colony, any reference to "the High Court" shall be construed as a reference to the Supreme Court, any reference to "a magistrates' court" shall be construed as a reference to a court of summary jurisdiction and any reference to "the Treasury" shall be construed as a reference to the Colonial Treasurer;
- (iii) in paragraph (a) of subsection (3) of section 6 the words "after taking into account any right or liability of the defendant to deduct income tax from payments made under the related maintenance order" shall be deemed to be omitted;

The Maintenance Orders Act, 1958 (6 & 7 E.2, c.39).

- (iv) in sub-paragraph (i) of paragraph (c) of subsection (3) of section 6 the words from "of such county court" to the end of the sub-paragraph shall be deemed to be omitted;
- (v) in sub-paragraph (iii) of paragraph (c) of subsection (3) of section 6 the words "the court collecting officer" shall be substituted for the words "to be made to the clerk of a magistrates' court, that court";
- (vi) in sub-paragraph (iv) of paragraph (c) of subsection (3) of section 6 the words "court collecting officer" shall be substituted for the words "clerk of that court";
- (vii) in subsection (2) of section 9 the words "proper officer of the prescribed" shall be deemed to be omitted;
- (viii) in paragraph (d) of subsection (2) of section 9 the words "while it is not registered under Part I of this Act" shall be deemed to be omitted;
- (ix) in paragraph (e) of subsection 2 of section 9 the words from "or becoming registered" to the end of the paragraph shall be deemed to be omitted;
- (x) in subsection (4) of section 9 the words "or a county court" shall be deemed to be omitted;
- (xi) in subsection (1) of section 13 the words "in accordance with rules of court" shall be deemed to be omitted;
- (xii) in subsection (2) of section 13 the words "with such deductions (if any) in respect of income tax as he is entitled or required to make," shall be deemed to be omitted;
- (xiii) in subsection (1) of section 14 reference to "the Crown or a Minister of the Crown" shall be construed as a reference to the Government;
- (xiv) in subsection (3) of section 14 the word "him" shall be substituted for the words "an official of the Treasury";
- (xv) in subsection (5) of section 16 the words "acting for the same petty sessions area as a court having jurisdiction to hear the complaint" shall be deemed to be omitted;
- (xvi) in subsection (4) of section 18 the words "acting for the same petty sessions area as the court" shall be deemed to be omitted;
- (xvii) in subsection (8) of section 18 the words "clerk of a magistrates' " shall be deemed to be omitted;
- (xviii) in section 18 the words "the clerk of" shall be deemed to be omitted wherever those words occur;
- (xix) section 19 shall be construed as if it read as follows —

"Cancellation and variation of Proclamations. 19. The Governor may by Proclamation cancel or vary any Proclamation made under section 12 of the Maintenance Orders (Facilities for Enforcement) Ordinance (which provides for the extension of that Ordinance by Proclamation to certain parts of the Commonwealth), and an Order under this section may contain such incidental, consequential and transitional provisions as the Governor considers expedient for the purposes of that Ordinance."
- (xx) in subsection (1) of section 20 the words "court, collecting officer" shall be substituted for the words "clerk of a magistrates' court" and the word "clerk";
- (xxi) in paragraph (a) of subsection (1) of section 20 the words "under Part I of this Act" and the words "in pursuance of subsection (1) of section 5 thereof"; shall be deemed to be omitted;
- (xxii) in subsection (2) of section 20 the words "by virtue of subsection (2) of section 4 of this Act" shall be deemed to be omitted and the word "or" shall be substituted for the words "and an application to a magistrates' court for";
- (xxiii) in paragraph (b) of subsection (3) of section 20 the word "Colony" shall be substituted for the words "United Kingdom";
- (xxiv) in subsection (1) of section 21 the expressions "England", "proper officer" and "rules of court" shall be deemed to be omitted and the expression "affiliation order" etc. shall be construed as if it read as follows —

" "affiliation order" has the meaning assigned to it by the Magistrates' Court Act, 1952; "

- (xxv) in paragraph (a) of the expression "excepted sums" in subsection (1) of section 21 the word "Colony" shall be substituted for the words "United Kingdom or of Northern Ireland";
- (xxvi) paragraph (c) of the expression "excepted sums" in subsection (1) of section 21 shall be deemed to be omitted;
- (xxvii) sub-paragraphs (i), (iii) and (iv) of paragraph (a) and paragraph (b) of the expression "maintenance order" in subsection (1) of section 21 shall be construed as if they read as follows —
- "(i) sections 18 to 20 of the Matrimonial Causes Ordinance;"
 - "(iii) subsection (4) of section 4, subsection (3) of section 7 or section 9 of the Guardianship of Infants Ordinance, 1958;"
 - "(iv) section 4 of the Bastardy Law Amendment Act, 1872;"
 - "(b) an order registered in a court in the Colony under the Maintenance Orders (Facilities for Enforcement) Ordinance, or an order confirmed by such court under that Ordinance;"
- (xxviii) in subsection (4) of section 23 the words and figures "section 17 of the Guardianship of Infants Ordinance, 1958" shall be substituted for the words and figures "section 8 of the Guardianship of Infants Act, 1925," and the words and figures "section 2 of the Affiliation Orders Act, 1914" shall be substituted for the words and figures "section 10 of the Affiliation Proceedings Act, 1957";
- (xxix) in the expression "relevant earnings" in the Schedule the words "contributions under the Old Age Pensions Ordinance, 1952" shall be substituted for the words from "income tax" to the end of the expression.

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.


Clerk of the Legislative Council.