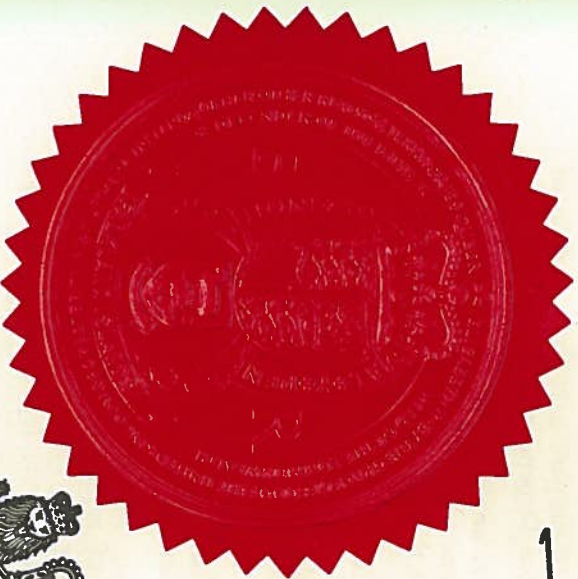


Assented to in Her Majesty's name this 7th day of July 1977.

James Roland Walter Parker
Governor.



No. 13

1977



Colony of the Falkland Islands

IN THE TWENTY-SIXTH YEAR OF THE REIGN OF

Her Majesty Queen Elizabeth II.

JAMES ROLAND WALTER PARKER, O.B.E.

Governor.

An Ordinance

To make provision for the preparation and publication of a revised edition of the laws of the Colony.

Title.

(11th July 1977)

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 Revised Edition of the Laws Ordinance 1977.

Short title.

2. In this Ordinance —

Definitions.

“Imperial Laws” means Imperial Statutes, Imperial Orders in Council, Royal Proclamations, Letters Patent and Royal Instructions and any legislation or instrument made thereunder and includes any amendment made to such Imperial Laws by any Ordinance or subsidiary legislation;

“Laws” means Ordinances, subsidiary legislation and Imperial Laws;

“Revised Edition” means the revised edition of the laws of the Colony and the Dependencies to be prepared under the authority of this Ordinance;

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

Appointment of
Commissioner.

3. (1) FREDERICK GEORGE COOKE, Barrister-at-Law, is hereby appointed the Commissioner to prepare a revised edition of the written Laws of the Colony and the Dependencies.

(2) If the said Commissioner is unable for any cause fully to discharge his duties under this Ordinance, the Governor may appoint some other fit and proper person to be the Commissioner in his stead.

Matters to be included in
the revised edition.

4. (1) The revised edition shall comprise —

(a) all Ordinances in force in the Colony and Dependencies, except such as are omitted under the provisions of sections 6 and 7;

(b) all subsidiary legislation in force in the Colony and Dependencies, except such as is omitted under the provisions of sections 6 and 7:

Provided that in lieu of republishing any subsidiary legislation, the Commissioner may, where he considers it convenient, set out the effect of the legislation in tabular or abbreviated form; and

(c) such Imperial Laws in force in the Colony as the Commissioner may consider it desirable to republish or lists of and references to all or any such Imperial Laws.

(2) The revised edition shall contain also —

(a) a list of all Ordinances contained in the last revised edition and a chronological list of all Ordinances subsequently enacted, with notes showing how the same have been dealt with;

(b) a list of all Ordinances omitted from the revised edition under the provisions of section 6;

(c) a table of contents; and

(d) an alphabetical index.

Form of the revised
edition.

5. (1) Subject to the provisions of section 8, each Ordinance shall form a separate chapter and chapters shall be numbered and arranged under such titles as the Commissioner may determine and below the number of each chapter there shall be set out the subject matter of the chapter and the date on which the principal Ordinance came into force.

(2) The number and year of the principal Ordinance and of any amending or incorporated law shall be set out in the margin at the commencement of each chapter and the Commissioner may also, so far as may be convenient, set out in the margin in respect of any section that has been amended, a reference to the amending enactment.

Omission of subsisting
laws.

6. (1) It shall not be necessary for the Commissioner to include in the revised edition —

(a) any current financial Appropriation Ordinance;

(b) any law containing only special provision in relation to the pension of any person named therein; and

(c) any law which he considers unnecessary to republish as not being of general or of current importance.

(2) Any Ordinance or subsidiary enactment omitted from the revised edition under the provisions of subsection (1) shall remain in full force until the same have expressly been repealed or revoked or shall have expired or become spent or had their effect.

7. The Commissioner may also, where he considers it convenient, omit from the revised edition —

Other matter that may be omitted.

- (a) laws or parts of laws which have been repealed or revoked expressly or by necessary implications, or which have expired or have become spent or have had their effect;
- (b) repealing or revoking enactments and tables and lists of repealed or revoked enactments whether contained in schedules or otherwise;
- (c) preambles and long titles to and recitals in law;
- (d) all introductory words of enactment;
- (e) enactments prescribing the date when, or the manner in which, any law or part of any law is to come into operation;
- (f) amending laws or parts thereof when the amendments effected thereby have been embodied by the Commissioner in the laws to which they relate;
- (g) transitional provisions; and
- (h) in any enactment, the interpretation of any expression which is defined in similar or identical terms with the definition of that expression contained in the Interpretation and General Clauses Ordinance.

8. (1) The Commissioner shall have power —

Miscellaneous powers of Commissioner.

- (a) to arrange the laws by chapters in such order and manner and in such groups as he may determine;
- (b) to consolidate into one law any two or more laws in *pari materia*, making such alterations as are thereby rendered necessary or expedient and offering such date thereto as may seem most convenient;
- (c) to divide any law into two or more laws and to make such amendments, including the supplying of titles or the alteration of existing titles, as are thereby rendered necessary;
- (d) to transfer any provision contained in any law from that law to any other law to which, in his opinion, it more properly belongs;
- (e) to alter the order of sections, subsections or paragraphs in or schedules to any law or to set out any section or paragraph of any law as a schedule to that law or to transfer it to an existing schedule or to set out any schedule or part of a schedule as a section or paragraph of the law;
- (f) to alter the form or arrangement of any section, subsection or paragraph of any law either by combining it in whole or in part with another section, subsection or paragraph or by dividing it into two or more subsections or paragraphs or by transposing words;
- (g) to transfer to subsidiary legislation any part of an Ordinance which may, in his opinion, more conveniently be included as subsidiary legislation under that, or any other Ordinance;
- (h) to divide any law into parts or other divisions and to give to each such part or division a suitable heading;

- (i) to make such adaptations of or amendments to any law as may be required by virtue of any statutory provision having taken into effect or as may appear to be necessary or proper as a consequence of Constitutional or other changes in the Colony or the Dependencies or any other country or in or to any international body or organisation;
- (j) to make such formal alterations as to names, localities, offices, titles and ranks and otherwise as may be necessary to bring any law into conformity with circumstances;
- (k) to simplify the phraseology of any law and to make such formal alterations to any law as are necessary or expedient for recurring uniformity of expression;
- (l) to correct grammatical or typographical errors in the existing laws, and for that purpose to make verbal additions or alterations not affecting the meaning of any law;
- (m) to correct cross-references;
- (n) to supply or alter marginal notes;
- (o) to supply or alter tables of contents;
- (p) to number or renumber the sections or paragraphs in any laws where in his opinion it is desirable to do so;
- (q) to frame and insert definitions of terms or expressions used in any Ordinance and to substitute other terms and expressions of a like nature for those used; and
- (r) generally, to do all things relating to form and method which, in his opinion, may be necessary for the perfecting of the revised edition.

(2) The Commissioner, in republishing any Imperial Laws, treaty or convention or any extract thereof, may republish the same as amended by any other instrument or as modified in its application to the Colony and the Dependencies.

9. The powers conferred on the Commissioner by this Ordinance shall not be taken to imply any power in him to make alteration or amendment in the matter or substance of any law or part thereof and not provided for in this Ordinance.

10. (1) If the Commissioner considers it desirable that in the preparation of the revised edition there should be omissions or amendments other than those authorised by sections 6, 7 and 8 or when the revision of any law requires its entire recasting, he may draft a bill or bills setting forth such alterations and amendments and authorising them to be made or for the re-enactment of any law so recast and every such bill shall be submitted to the Executive and Legislative Councils in the ordinary way.

(2) Any such bill may have reference to more laws than one, although such laws may not be in *pari materia*.

11. The revised edition shall contain a clear indication whether each law included therein is in force in the Dependencies.

12. All subsidiary legislation made under any law included in the revised edition, and in force at the date when the revised edition comes into force, shall continue in force until otherwise provided; and any reference in any such 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.

13. (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 that map, chart or plan.

Limitation of the Commissioner's powers.

Amendment not authorised by sections 6, 7 and 8.

Laws in force in the Dependencies to be indicated.

Saving of existing subsidiary legislation.

Maps, charts and plans to be omitted from the revised edition.

(2) When the revised edition has been brought into force in pursuance of section 16, 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 therefor of such fee 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.

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.

15. Three copies of the revised edition shall be dated and signed by the Commissioner and by the Governor and shall be sealed with the Public Seal and deposited with the records of the Supreme Court.

Authentication of the revised edition.

16. (1) The Governor being authorised thereto by a resolution of the Legislative Council may by proclamation approve the revised edition and order that the revised edition shall come into operation.

Bringing of revised edition into force.

(2) Such proclamation shall specify —

- (a) the date as at which the revised edition represents the laws of the Colony; and
- (b) the date on which the revised edition is to come into operation.

Effect of the revised edition.

17. From the date when the revised edition comes into operation, it shall, subject to the provisions of sections 6 and 9 be, and shall be taken by all courts and for all purposes to be, the authentic version of the written laws of the Colony as at the date referred to in section 16 (2) (a).

Method of compiling revised edition.

18. (1) The revised edition shall be compiled in loose leaf form:

Provided that any Ordinance or the subsidiary legislation made thereunder may be bound separately or together in booklet form.

(2) Each Ordinance as prepared in accordance with the powers conferred by this Ordinance shall be contained in a separate numbered Chapter, which shall also contain the subsidiary legislation made under such Ordinance.

(3) Imperial Laws as prepared in accordance with the powers conferred by this Ordinance shall be contained in numbered appendices.

19. (1) Copies of the revised edition shall be distributed among such persons, officers, departments and institutions as the Governor may direct.

Distribution of copies of revised edition.

(2) There shall be offered to the public such number of copies at such prices as the Governor may direct.

20. The Revised Edition of the Laws Ordinance 1943 is hereby repealed.

Repeal of Ordinance.
(3 of 1943)

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.

Ref. LEG/10/5.