Live Stock

Labour on 31st May.

<table>
<thead>
<tr>
<th>Shepherds</th>
<th>Navvies</th>
<th>Other Hands</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total population on 31st May.

<table>
<thead>
<tr>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Annual Rainfall in inches where records are kept on Station......inches.

Number of Houses on Station including Cookhouse......... Number vacant...........

Horses.

<table>
<thead>
<tr>
<th>Stallions</th>
<th>Brood Mares</th>
<th>All other horses</th>
<th>All under 3 years old</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Cattle.

<table>
<thead>
<tr>
<th>Bulls</th>
<th>Cows</th>
<th>All under 2 years old</th>
<th>Other oxen</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Swine.

<table>
<thead>
<tr>
<th>Boars</th>
<th>Breeding Sows &amp; Gilts</th>
<th>All over 6 months</th>
<th>All under 6 months</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Poultry.

<table>
<thead>
<tr>
<th>Hens</th>
<th>Cocks</th>
<th>Pullets</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Geese .......... Turkeys ..........

Note.—All private horses and privately owned cows and pigs on the Station to be included in these returns.

Ploughed Land ..........Acres.
Area sown Oats ..........Acres.
Other ground Mown ..........Acres.

I solemnly and sincerely declare that the foregoing is to the best of my knowledge and belief a correct and accurate statement.

Signature of Manager.

Note.—This return must be made to the Agricultural Officer on or before 30th June in each year.
CHAPTER 42.

MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT).

1 of 1921. An ordinance to facilitate the enforcement in the colony of maintenance orders made by courts in England and Northern Ireland and vice versa.

[27th September, 1921.]

1. This ordinance may be cited as the Maintenance Orders (Facilities for Enforcement) Ordinance.

2. In this Ordinance unless the context otherwise requires:
   “Maintenance order” means an order, other than an order of affiliation, for the periodical payment of sums of money towards the maintenance of the wife or other dependents of the person against whom the order is made.
   “Dependents” means such persons as that person is liable to maintain according to the law in force in that part of His Majesty’s dominions in which the maintenance order was made.
   “Certified copy” in relation to an order of a court means a copy of the order certified by the proper officer of the court to be a true copy.
   “Prescribed” means prescribed by rules of court.

3. (1) Where a maintenance order has, whether before or after the passing of this Ordinance, been made against any person by any court in England or Northern Ireland, and a certified copy of the order has been transmitted by the Secretary of State to the Governor, the Governor shall send a copy of the order to the prescribed officer of a court in the Colony for registration; and on receipt thereof the order shall be registered in the prescribed manner, and shall, from the date of such registration, be of the same force and effect, and, subject to the provisions of this Ordinance, all proceedings may be taken on such order, as if it had been an order

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]
originally obtained in the court in which it is so registered, and that court shall have power to enforce the order accordingly.

(2) The court in which an order is to be so registered as aforesaid shall, if the court by which the order was made was a court of superior jurisdiction, be the Supreme Court, and, if the court was not a court of superior jurisdiction, be a court of summary jurisdiction.

4. Where a court in the Colony has, whether before or after the passing of this Ordinance, made a maintenance order against any person, and it is proved to that court that the person against whom the order was made is resident in England or Northern Ireland, the court shall send to the Governor for transmission to the Secretary of State a certified copy of the order.

5. (1) Where an application is made to a court of summary jurisdiction in the Colony for a maintenance order against any person, and it is proved that that person is resident in England or Northern Ireland, the court may, in the absence of that person, if after hearing the evidence it is satisfied of the justice of the application, make any such order as it might have made if a summons had been duly served on that person and he had failed to appear at the hearing, but in such case the order shall be provisional only, and shall have no effect unless and until confirmed by a competent court in England or Northern Ireland.

(2) The evidence of any witness who is examined on any such application shall be put into writing, and such deposition shall be read over to and signed by him.

(3) Where such an order is made, the court shall send to the Governor for transmission to the Secretary of State, the depositions so taken and a certified copy of the order, together with a statement of the grounds on which the making of the order might have been opposed if the person against whom the order is made had been duly served with a summons and had appeared at the hearing, and such information as the court possesses for facilitating the identification of that person, and ascertaining his whereabouts.

(4) Where any such provisional order has come before a court in England or Northern Ireland for confirmation, and the order has by that court been remitted to the court of
summary jurisdiction which made the order for the purpose of taking further evidence, that court or any other court of summary jurisdiction sitting and acting for the same place shall, after giving the prescribed notice, proceed to take the evidence in like manner and subject to the like conditions as the evidence in support of the original application.

If upon the hearing of such evidence it appears to the court that the order ought not to have been made, the court may rescind the order, but in any other case the depositions shall be sent to the Secretary of State and dealt with in like manner as the original depositions.

(5) The confirmation of an order made under this section shall not affect any power of a court of summary jurisdiction to vary or rescind that order: Provided that on the making of a varying or rescinding order the court shall send a certified copy thereof to the Governor for transmission to the Secretary of State, and that in the case of an order varying the original order the order shall not have any effect unless and until confirmed in like manner as the original order.

(6) The applicant shall have the same right of appeal, if any, against a refusal to make a provisional order as he would have had against a refusal to make the order had a summons been duly served on the person against whom the order is sought to be made.

6. (1) Where a maintenance order has been made by a court in England or Northern Ireland, and the order is provisional only and has no effect unless and until confirmed by a court of summary jurisdiction in the Colony, and a certified copy of the order, together with the depositions of witnesses and a statement of the grounds on which the order might have been opposed has been transmitted to the Governor, and it appears to the Governor that the person against whom the order was made is resident in the Colony, the Governor may send the said documents to the prescribed officer of a court of summary jurisdiction, with a requisition that a summons be issued calling upon the person to show cause why that order should not be confirmed, and upon receipt of such documents and requisition the court shall issue such a summons and cause it to be served upon such person.

(2) A summons so issued may be served in the Colony in the same manner as if it had been originally issued or
subsequently endorsed by a court of summary jurisdiction having jurisdiction in the place where the person happens to be.

(3) At the hearing it shall be open to the person on whom the summons was served to raise any defence which he might have raised in the original proceedings had he been a party thereto, but no other defence, and the certificate from the court which made the provisional order stating the grounds on which the making of the order might have been opposed if the person against whom the order was made had been a party to the proceedings shall be conclusive evidence that those grounds are grounds on which objection may be taken.

(4) If at the hearing the person served with the summons does not appear or, on appearing, fails to satisfy the court that the order ought not to be confirmed, the court may confirm the order either without modification or with such modifications as to the court after hearing the evidence may seem just.

(5) If the person against whom the summons was issued appears at the hearing and satisfies the court that for the purpose of any defence it is necessary to remit the case to the court which made the provisional order for the taking of any further evidence, the court may so remit the case and adjourn the proceedings for the purpose.

(6) Where a provisional order has been confirmed under this section, it may be varied or rescinded in like manner as if it had originally been made by the confirming court, and where on an application for recission or variation the court is satisfied that it is necessary to remit the case to the court which made the order for the purpose of taking any further evidence, the court may so remit the case and adjourn the proceedings for the purpose.

(7) Where an order has been so confirmed, the person bound thereby shall have the same right of appeal, if any, against the confirmation of the order as he would have had against the making of the order had the order been an order made by the court confirming the order.

7. (1) A court of summary jurisdiction in which an order has been registered under this Ordinance or by which an Order of enforcing orders.
order has been confirmed under this Ordinance, and the officers of such court, shall take all such steps for enforcing the order as may be prescribed.

(2) Every such order shall be enforceable in like manner as if the order were for the payment of a civil debt recoverable summarily:

Provided that if the order is of such a nature that if made by the court in which it is so registered, or by which it is so confirmed, it would be enforceable in like manner as an order of affiliation, the order shall be so enforceable.

(3) A warrant of distress or commitment issued by a court of summary jurisdiction for the purpose of enforcing any order so registered or confirmed may be executed in any part of the Colony in the same manner as if the warrant had been originally issued or subsequently endorsed by a court of summary jurisdiction having jurisdiction in the place where the warrant is executed.

8. The Administration of Justice Ordinance shall apply to proceedings before courts of summary jurisdiction under this Ordinance in like manner as it applies to proceedings under that Ordinance, and the power to make rules under section 68 of the Administration of Justice Ordinance shall include power to make rules regulating the procedure of courts of summary jurisdiction under this Ordinance.

9. Any document purporting to be signed by a judge or officer of a court in England or Northern Ireland shall, until the contrary is proved, be deemed to have been so signed without proof of the signature or judicial or official character of the person appearing to have signed it, and the officer of a court by whom a document is signed shall until the contrary is proved, be deemed to have been the proper officer of the court to sign the document.

10. Depositions taken in a court in England or Northern Ireland for the purpose of this Ordinance may be received in evidence in proceedings before courts of summary jurisdiction under this Ordinance.
11. The Governor may make regulations as to the manner in which a case can be remitted by a court authorised to confirm a provisional order to the court which made the provisional order, and generally for facilitating communications between such courts.

12. Where the Governor is satisfied that reciprocal provisions have been made by the Legislature of any British possession or any territory under His Majesty's protection for the enforcement within such possession or territory of maintenance orders made by courts in the Falkland Islands, the Governor may by Proclamation extend this Ordinance to such possession or territory, and this Ordinance shall thereupon apply in respect of such possession or territory as though the references to England or Northern Ireland were references to such possession or territory and the references to the Secretary of State for the Colonies were references to the Governor of such possession or territory.
CHAPTER 43.

MARRIAGE.

AN ORDINANCE TO AMEND AND CONSOLIDATE THE LAW AS TO MARRIAGE.

[31st December, 1949.]

1. This Ordinance may be cited as the Marriage Ordinance.

2. In this Ordinance unless the context otherwise requires:
   “Registrar-General” means the person holding that
   office under the Registration Ordinance.
   “Minor” or “Infant” means a person under the age
   of 21 years who is not a widow or widower.
   “Minister” means a Minister registered to celebrate
   marriages under this Ordinance.
   “Court” means:
   (a) the Judge in chambers;
   (b) a court of summary jurisdiction otherwise than
       in open court.

3. Every marriage
   (1) which by the law of England would be valid;
   (2) celebrated in the Colony in accordance with the law
       prior to the passing of this Ordinance;
   (3) celebrated by a minister or registrar in conformity
       with the provisions of this Ordinance,
   shall be good and valid to all intents and purposes:
   Provided that nothing herein contained shall render valid
   any marriage between parties who at the time of marriage
   would, by the law of England, be incapable of intermarrying.

4. The Governor may appoint registrars for the purposes
   of this Ordinance.

[Note. This Ordinance is declared to be in force in the Dependencies by the
Application of Colony Laws Ordinance, Cap. I (D.S.).]
5. Every minister of religion ordinarily officiating as such in the Colony shall be deemed to be a minister registered for celebrating marriages and any minister of religion, or the head of any religious denomination in the Colony may apply to the Colonial Secretary to be registered as a minister for celebrating marriages. The Governor may grant a certificate of registration under the Public Seal to any person so applying:

Provided that the Governor may refuse any such application and may remove the name of any person from the register.

6. (1) Christ Church Cathedral, the Roman Catholic Church and the Nonconformist Tabernacle shall be deemed to be places registered for celebration of marriages.

(2) The Governor may grant a certificate of registration under the Public Seal in respect of any other building commonly used for religious purposes.

7. (1) A minister may at any time within three months after a declaration made under section 8 and after the banns have been published on three consecutive Sundays, or the Registrar-General has issued his licence as in Form 2 in the First Schedule hereto, or the Governor has issued a special licence, solemnise a marriage between the parties named in such declaration and in accordance with the provisions of this Ordinance:

Provided that—

(a) a marriage by banns shall be solemnised in a place registered for celebrating marriages;

(b) a marriage by licence other than the Governor's special licence shall be solemnised in a place registered for celebrating marriages, or in the house of a justice.

(2) A registrar may, at any time within three months from the date of the issue of the licence by the Registrar-General, solemnise a marriage in his office between the parties named in such licence.

8. One of the parties to the intended marriage shall make and sign before a registrar or a justice a solemn declaration as in Form 1 in the First Schedule hereto, before any licence is granted.
9. The Registrar-General shall, upon receiving or taking any such declaration, post the same in his office for twenty-one days, and such declaration shall constitute a notice of an intended marriage, and shall be open, without fee, during office hours, for inspection by any person.

10. The Registrar-General may, not less than twenty-one days nor more than three months after the said posting of the notice of marriage, issue a marriage licence in the Form 2 in the First Schedule hereto and he shall upon issue of such licence file a notice of marriage in his office.

11. The Registrar-General shall not enter any notice of marriage when either party is a minor without the consent of the person or persons mentioned in the Second Schedule hereto:

Provided that—

(1) if the Registrar-General or a minister is satisfied that the consent of any person whose consent is so required cannot be obtained by reason of absence or inaccessibility, or by reason of his being under any disability, he may dispense with the necessity for the consent of that person if there is any other person whose consent is so required, or a Court may on application being made consent to the marriage, and the consent of the Court so given shall have the same effect as if it had been given by the person whose consent cannot be so obtained.

(2) If any person whose consent is required refuses his consent a Court may on application being made consent to the marriage and the consent of the Court so given shall have the same effect as if it had been given by the person whose consent is so refused.

12. No person shall, except as provided in section 13, solemnise any marriage

(1) until a marriage licence has been issued or the banns published as provided in section 7 hereof;

(2) after the expiration of three months from the date of the marriage licence or publication of the banns;

(3) save in a place registered for the celebration of marriages or in the office of the registrar, or in the
house of a justice, or in such place as any special licence shall specify;

(4) save in the presence of two witnesses who shall sign the certificate of marriage;

(5) in any building with closed doors or before 9 o'clock in the morning or after 4.30 in the afternoon.

13. (1) A marriage by the Governor’s special licence may be celebrated by a minister or a registrar at any time and in any place therein stated.

(2) The Governor’s special licence may be issued at any time after the declaration prescribed in section 8.

14. Any person whose consent to a marriage by licence is required as hereinbefore provided may forbid the issue of a licence by writing upon the notice of marriage the word “forbidden” and signing his name, and serving upon the Registrar-General a notice in writing signed by or on behalf of such person stating the grounds of objection, and no licence shall in such case be issued without an order of the Court.

15. (1) Any person may enter a caveat with the Registrar-General against the grant of a certificate or licence for the marriage of any person therein named. Any caveat shall be signed by or on behalf of the person entering the same and shall state the ground of objection. No licence or certificate shall be issued until the caveat shall be withdrawn by the person who entered the same or it shall be determined by the Judge.

(2) Any person who shall enter a caveat on grounds which the Judge shall declare to be frivolous shall be liable for the costs of the proceedings and for damages recoverable by the party against whose marriage the caveat was entered.

16. In every case of solemnisation of marriage each of the parties shall, in some part of the ceremony and in the presence of the officiating minister or registrar and of the witnesses make the following declaration:

“I do solemnly declare that I know not of any lawful impediment why I, A.B., may not be joined in matrimony to C.D.”

and say to each other
"I, A.B., do take thee, C.D., to be my wedded wife (or husband).

Certificates. 17. The person celebrating a marriage, the parties thereto and the two witnesses of such marriage shall sign in triplicate a certificate as in Form 3 in the First Schedule hereto, and one copy of such certificate shall be forthwith transmitted to the Registrar-General in Stanley, one copy shall be given to the husband and one shall be recorded in a book by the person celebrating the marriage.

The certificates shall be numbered consecutively, and all certificates referring to one marriage shall have the same number.

Marriages to be registered. 18. The Registrar-General shall forthwith enter every certificate of marriage in the marriage register book, and certify the accuracy of the entry and file and index the certificate of marriage.

Proof of marriage. 19. A copy of the certificate of any marriage registered by a minister or a registrar under his hand shall be prima facie evidence in all proceedings of the fact of such marriage having been duly celebrated.

Wrongful celebration. 20. Any person who shall wilfully and knowingly celebrate any marriage contrary to the provisions of this Ordinance or where the provisions of this Ordinance have not been complied with shall be guilty of a misdemeanour and be liable to a fine not exceeding £500, or to imprisonment not exceeding two years or to both such fine and imprisonment.

False declaration. 21. Any person who for the purpose of procuring a marriage or a certificate or licence for marriage knowingly and wilfully makes a false oath or makes or signs a false declaration notice or certificate required under this Ordinance is guilty of a misdemeanour and is liable on conviction on indictment to penal servitude for a term not exceeding seven years or to imprisonment for a term not exceeding two years or to a fine or to penal servitude or imprisonment and fine or on summary conviction to a fine not exceeding £50.
22. A party to a marriage intended to be solemnised under the Foreign Marriage Acts, 1892 to 1947, who has had his usual place of abode in the Colony or its Dependencies for a period of not less than one week immediately preceding such intended marriage or such other period as may be determined by His Majesty in Council shall give notice thereof to the Registrar-General in Form 1 in the Fourth Schedule hereto.

23. The Registrar-General shall post up a true copy of such notice in some conspicuous place in his office and shall keep the same so posted up during fourteen consecutive days before the marriage.

24. The Registrar-General shall unless he is aware of any impediment or objection to the solemnisation of the marriage give a certificate in Form 2 in the Fourth Schedule hereto that such notice has been given and posted up as aforesaid.

25. The fees set out in the Third Schedule hereto shall be paid for the services therein specified.
### FIRST SCHEDULE.

Notice of Marriage.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>[If either party be under the age of 21, the father or guardian must write here &quot;I Consent&quot; and sign his name.]</td>
</tr>
</tbody>
</table>

I do solemnly and sincerely declare that I believe the foregoing particulars to be true in every respect and that there is no impediment or lawful objection by reason of any kindred, relationship, or alliance or any former marriage or want of consent or any other lawful cause to the marriage of the parties above named.

Signed and declared to before me by...................................................................................................................... Signature.................................................................................................

day of ........................................................................................................... 19 , at ...............................................................................................

Signature.................................................................................................... Registrar or J.P.

I certify that the above declaration was duly received by me on the................................................................................... day of........................................................................................................... 19

Signature.................................................................................................... Registrar-General.

N.B.—If Marriage is to be in Camp or by Special Licence say where.
Marriage Licence.

I hereby certify that the persons named and described below have given notice of their intended marriage and made the declaration required by law and that I know of no lawful objection to the proposed marriage: These are therefore to license any registered minister of religion or any Registrar to marry the said persons according to the provisions of the Marriage Ordinance, on any day before the ................day of ....................19......

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Date: ..........................................................

.......................................................... Registrar-General.

Form 2.
|-----|----------------|---------------------------------|---------------------------------|-----------------------------------------------|---------------------------------|----------------------------------|-----------------------|----------------|

This Marriage was solemnised between us

\[
\text{Witness.}
\]

\[
\text{Witness.}
\]

Married by me

Signature..............................

Title.................................

Three copies of this Certificate shall be signed by all the parties: One shall be given to the Bridegroom, one sent to the Registrar-General, and one entered in the book kept by the person solemnising the Marriage.
SECOND SCHEDULE.

Consents required to the Marriage of an Infant.

1. WHERE THE INFANT IS LEGITIMATE.

CIRCUMSTANCES.                  PERSON OR PERSONS Whose CONSENT IS REQUIRED.

1. Where both parents are living
   (a) if parents living together: Both parents.
   (b) if parents are divorced or
       separated by order of court
       or by agreement: The parent to whom the custody of the
       infant is committed by order of any
       court or by the agreement, or, if the
       custody of the infant is so committed
       to one parent during part of the year
       and to the other parent during the rest
       of the year, both parents.
   (c) if one parent has been de-
       serted by the other; The parent who has been deserted.
   (d) if both parents deprived of
       custody of infant by order
       of court: The person to whose custody the infant is
       committed by order of the court.

2. Where one parent is dead:
   (a) if there is no other guardian: The surviving parent.
   (b) if a guardian has been ap-
       pointed by the deceased
       parent: The surviving parent and the guardian if
       acting jointly, or the surviving parent
       or the guardian if the parent or the
       guardian is the sole guardian of the
       infant.

3. Where both parents are dead: The guardians or guardian appointed by
   the deceased parents or by the court.

2. WHERE THE INFANT IS ILLEGITIMATE.

CIRCUMSTANCES.                  PERSON Whose CONSENT IS REQUIRED.

If the mother of the infant is alive: The mother, or if she has by order of the
   court been deprived of the custody of
   the infant, the person to whom the
   custody of the infant has been com-
   mitted by order of the court.

If the mother of the infant is dead: The guardian appointed by the mother.
**THIRD SCHEDULE.**

**Table of Fees.**

<table>
<thead>
<tr>
<th>To whom Payable.</th>
<th>For what Duty.</th>
<th>Amount.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Governor</td>
<td>Special Licence</td>
<td>f 3 s 0 d</td>
</tr>
<tr>
<td>The Minister</td>
<td>Marriage by Governor's licence</td>
<td>2 0 0 0</td>
</tr>
<tr>
<td>The Clerk</td>
<td>The same</td>
<td>10 0</td>
</tr>
<tr>
<td>The Minister</td>
<td>Marriage after banns or on Registrar-General's licence</td>
<td>10 0</td>
</tr>
<tr>
<td>The Clerk</td>
<td>The same</td>
<td>5 0</td>
</tr>
<tr>
<td>The Minister</td>
<td>Publication of banns of marriage</td>
<td>2 6</td>
</tr>
<tr>
<td>&quot;</td>
<td>Who performs a marriage elsewhere than in Stanley for travelling expenses for every mile beyond Stanley</td>
<td>3 6</td>
</tr>
<tr>
<td>The Treasury</td>
<td>Entry of notice of marriage</td>
<td>2 6</td>
</tr>
<tr>
<td>&quot;</td>
<td>Registrar-General's licence</td>
<td>5 0</td>
</tr>
<tr>
<td>&quot;</td>
<td>Entering caveat</td>
<td>5 0</td>
</tr>
<tr>
<td>&quot;</td>
<td>Marriage by Registrar</td>
<td>10 0</td>
</tr>
<tr>
<td>&quot;</td>
<td>Notice under Foreign Marriage Act</td>
<td>1 0</td>
</tr>
<tr>
<td>&quot;</td>
<td>Certificate under Foreign Marriage Act.</td>
<td>2 0</td>
</tr>
<tr>
<td>The Minister</td>
<td>Copy certified by Minister of entry in registry kept by Minister</td>
<td>2 6</td>
</tr>
</tbody>
</table>

**FOURTH SCHEDULE.**

**Form 1.**

To the Registrar-General, Falkland Islands.

I hereby give you notice that a marriage is intended to be solemnised within three months from the date hereof between the parties named and described.

<table>
<thead>
<tr>
<th>Name and Surname.</th>
<th>Condition.</th>
<th>Rank or Profession.</th>
<th>Age.</th>
<th>Residence.</th>
<th>Church or building where marriage to be solemnised.</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.B.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C.D.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Witness my hand at day of 19 , Falkland Islands this (Signed) A.B. or C.D.
Marriage

Form 2.

I, Registrar-General, Falkland Islands, hereby certify that on the notice of marriage between the parties hereinafter described was given under the hand of one of the said parties.

<table>
<thead>
<tr>
<th>Name and Surname</th>
<th>Condition</th>
<th>Rank or Profession</th>
<th>Age</th>
<th>Residence</th>
<th>Church or building where marriage to be solemnised</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.B.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C.D.</td>
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Date of notice.

Date of certificate.

The issue of this certificate has not been forbidden by any person authorised to forbid the issue thereof.

Witness my hand this day of 19.

Registrar-General.

N.B.—This certificate will be void unless the marriage is solemnised on or before the day of 19.
Repealed 14/1979 which replaces
1 of 1940.
12 of 1940.

CHAPTER 44.

MATRIMONIAL CAUSES.

AN ORDINANCE TO AMEND THE LAW RELATING TO DIVORCE.

[22nd May, 1940.]

1. This Ordinance may be cited as the Matrimonial Causes Ordinance.

2. (1) 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.

(2) Such jurisdiction shall extend—
(a) in proceedings for divorce and nullity of marriage, to cases in which the parties to the marriage are domiciled in the Colony;
(b) in proceedings for judicial separation, to cases in which the parties to the marriage are domiciled or resident in the Colony at the time of the institution of the suit.

(3) 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:

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

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.), and has applied in the Dependencies since 1st July, 1947.]
the ground that the case is one of exceptional hardship
suffered by the petitioner or 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 conceal-
ment of the nature of the case, the court may, if it pronounces
a decree nisi, do so subject to the condition that no applica-
tion 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.

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 un-
sound 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.
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 Mental Treatment Ordinance.

6. (1) On a petition for divorce it shall be the duty of the Court to inquire, 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 inquire 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. (1) 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.
(2) 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.

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

(4) 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.

(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.

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

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 of 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 subsection 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 (a), (f) or (g) of the last foregoing subsection 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.

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, show 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 shown 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 shown 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.
(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.

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.

(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 shown to reverse a decree of judicial separation.

ALIMONY.

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

(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 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
doom 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 deem fit.

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, mainten-
ance 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 21 years of age.

PROCEDURE.

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

22. The whole or any part of any proceeding under this
Ordinance may be heard, if the Court thinks fit, within
closed doors.
CHAPTER 45.

MEDICAL PRACTITIONERS, MIDWIVES AND DENTISTS.


1. This Ordinance may be cited as the Medical Practitioners, Midwives and Dentists Ordinance.

2. In this Ordinance unless the context otherwise requires: "Medical Practitioner" means any person professing to practice medicine or surgery or holding himself out as ready and willing to treat patients for gain.

3. Separate registers of medical practitioners, midwives, and dentists shall be kept in the form of the Schedule hereto.

The fee to be charged for each registration under this Ordinance shall be two guineas for persons possessing professional qualifications registered in any Commonwealth country, and a fee of five guineas for persons possessing professional qualifications not registered therein, but medical practitioners, midwives and dentists who are in the employment of the 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.

4. The Senior Medical Officer shall be the Registrar of medical practitioners, midwives and dentists, and shall once in every year, as soon as conveniently may be after the first day of January, make and publish in the Gazette a list containing the names and qualifications of all registered medical practitioners, midwives and dentists.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]
5. (1) The publication of such list shall be _prima facie_ evidence that the persons named therein are registered under this Ordinance, and the absence of the name of any person from such list shall be _prima facie_ evidence that such person is not registered.

(2) All register books and all copies thereof or extracts therefrom certified under the hand of the Registrar shall be receivable in evidence in all courts of justice in the Colony.

(3) The Registrar shall produce or cause to be produced any register book in his office on subpoena or order of any court without payment for so doing, unless the Court or tribunal shall otherwise direct.

6. (1) A person who holds a licence, degree, or diploma which would entitle him to registration as a medical practitioner by the General Council of Medical Education and Registration in the United Kingdom, or a licence, degree, or diploma in medicine or surgery which by order of the Governor in Council shall be declared a qualification for registration as a medical practitioner under this Ordinance, shall be entitled to registration under this Ordinance as a medical practitioner.

(2) Any person who holds a diploma or certificate in midwifery granted by a recognised institution shall be entitled to registration under this Ordinance as a midwife.

(3) A person who possesses a licence or degree in dental surgery or dentistry of any of the Bodies and Universities who elect members of the General Council of Medical Education and Registration in the United Kingdom, or holds any licence or degree in dental surgery or dentistry not registered within the Commonwealth, which by order of the Governor in Council shall be declared a qualification for registration as a dentist under this Ordinance, shall be entitled to registration under this Ordinance as a dentist:

Provided that no person shall be entitled to registration whose name has been struck off the Register of the General Council of Medical Education and Registration in the United Kingdom.

7. Every person registered under this Ordinance who may have obtained any higher degree or qualification, other than the qualification in respect of which he may have been registered, shall be entitled to have such higher degree or additional qualification inserted in the register in substitution for the qualification originally registered.
for, or in addition to, the qualifications previously registered, without payment of any further fee.

8. Every medical practitioner registered under this Ordinance shall be entitled to practice medicine, surgery, and midwifery, and every dentist registered under this Ordinance shall be entitled to practice dentistry, and every person registered under this Ordinance as a midwife shall be entitled to practice midwifery and every medical practitioner, dentist, and midwife so registered shall be entitled to demand, sue for, and recover in any court of law, with full cost of suit, reasonable charges for professional aid, advice, and visits, and the value of any medicine or any medical or surgical appliances rendered or supplied by him to his patient.

9. No person shall be entitled to recover any charge in any court of law for any medical or surgical advice, or attendance or for the performance of any operation as a medical practitioner, or dentist, or for any medicine which he shall have prescribed and supplied or for any services performed as a midwife within the Colony, unless he was at the time registered under this Ordinance.

10. No certificate, or other document, required by law to be signed by a duly qualified medical practitioner shall be valid unless signed by a person registered as a medical practitioner under this Ordinance.

11. The words "legally qualified medical practitioner", or "duly qualified medical officer", or any words importing a person recognised by law as a medical practitioner, or member of the medical profession when used in any Ordinance, or order of the Governor in Council, or in any Proclamation, or in any Order or Rules made thereunder, with reference to such person, shall be construed to mean a person registered as a medical practitioner under this Ordinance.

12. All medical officers in the public service of the Colony, and all medical officers of His Majesty’s Army and Navy respectively residing in the Colony while on full pay, and all duly qualified ship’s surgeons while in discharge of their duties shall be entitled to the privileges of persons registered under this Ordinance and may be registered free of charge.
13. (1) If any medical practitioner, midwife or dentist registered under this Ordinance, shall be convicted of any felony or misdemeanour; or after due inquiry by a Board of Inquiry be deemed by the Governor in Council to have been guilty of infamous conduct in any professional respect, the Governor in Council may order the Registrar to strike out the name of such person from the Register.

(2) Such order may prescribe a period on the expiration of which a person ordered to be struck off as aforesaid shall be entitled to be re-registered.

(3) The Board of Inquiry shall consist of the Senior Medical Officer and two other persons to be appointed by the Governor; upon any such inquiry the person against whom such offence or conduct is alleged shall be entitled to appear and be heard.

(4) Any person whose name may have been ordered to be struck out from the Register may appeal to the Supreme Court which shall have power to annul or vary the order in respect of which such person appeals.

(5) Every appeal under this section shall be made within eight days from the date of such Order and the Registrar shall not strike out any name as aforesaid before such period has expired and he has ascertained that no such appeal has been lodged.

14. Any person who wilfully and falsely takes, or uses, any name, title or addition, implying a qualification to practise medicine, surgery, dentistry or midwifery, or not being registered or entitled to the privileges of persons so registered under this Ordinance practises or professes to practise or publishes his name as practising medicine, surgery, midwifery or dentistry, shall be liable on summary conviction to a fine not exceeding £50 or to imprisonment for a term not exceeding three months or to both such fine and imprisonment:

Provided that a person who attends a woman in childbirth under the direction and personal supervision of a registered medical practitioner or registered midwife, or gives attention in a case where no such registered person could attend shall not commit an offence.
SCHEDULE.
Form of Register.

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CHAPTER 46.
MENTAL TREATMENT.

AN ORDINANCE TO MAKE PROVISION FOR THE CARE OF
PERSONS OF UNSOUND MIND.

[31st December, 1949.]

1. This Ordinance may be cited as the Mental Treatment Ordinance.

2. In this Ordinance unless the context otherwise requires:
“Person of unsound mind” means an idiot or a person who is suffering from mental derangement.

3. (1) Any justice, upon information on oath of any informant to the effect that the informant has good cause to suspect and believe and does suspect and believe that a particular person is of unsound mind and a proper subject to be placed under care and treatment, may see and question the person so suspected and may together with another justice hold an inquiry in private as to the state of mind of such person. For the purposes of such inquiry the justices shall have the powers of a Court and may, after one of them shall have seen the person suspected of being of unsound mind, proceed with such inquiry in the absence of such person and without proof of service of any summons upon him.

(2) If it shall appear to any justice by information on oath that any person suspected of being of unsound mind is at large, or is dangerous to himself or others, or is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the care or charge of him, such justice may by order under his hand require any constable to apprehend such person and bring him before himself and another justice or two other justices for the purpose of inquiry and examination.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]
(3) The justices may adjourn the inquiry for a period not exceeding eight days for the purpose of medical examination or the production of evidence as to the state of mind of the person so suspected, and may, if the person alleged to be of unsound mind has been apprehended as aforesaid or under the provisions of section 6, make such order for the detention and safe custody of such person during the said adjournment as they may deem fit.

4. (1) The justices making an inquiry under section 3 hereof shall direct that the person suspected of being of unsound mind be examined by two registered medical practitioners, and thereupon such practitioners shall, if they consider that the facts warrant it, sign a certificate that in their opinion the suspected person is of unsound mind, specifying in full detail the facts upon which they found their opinion.

(2) A certificate may contain information as to the previous medical history of the person so suspected but no certificate which purports to be founded wholly on facts communicated by others shall have any effect.

5. Where it appears to the justices upon inquiry that any person is of unsound mind and a proper subject to be placed under care and treatment, and the Senior Medical Officer or other medical practitioner having certified that he is of unsound mind, they may adjudge such person to be of unsound mind and a proper person to be placed under care and treatment, and may make an order (hereinafter referred to as a "reception order") for the care and treatment of such person in an institution or place approved by the Governor in Council as a fit and proper place for the care and treatment of persons of unsound mind (hereinafter referred to as an "approved place"): Provided that the justices shall not make a reception order unless one, at least, of them shall have seen the person suspected of being of unsound mind.

6. If a police constable is satisfied that it is necessary for the public safety, or for the welfare of a person alleged to be of unsound mind in respect of whom an inquiry ought to be made under this Ordinance, that such person should be placed under care and control before such inquiry can be held, the
constable may remove that person to an approved place, and shall within twenty-four hours of such removal lay information on oath under section 3 hereof. The Senior Medical Officer or the person in charge of the approved place shall receive and detain such person therein but no person shall be so detained for more than three days.

7. (1) A reception order shall remain in force for one year from its date, and thereafter from year to year if at the end of each year a special report of the Senior Medical Officer as to the mental and bodily condition of the patient with a certificate under his hand that the patient is still of unsound mind and a proper person to be detained under care and treatment is sent to the magistrate not more than one month nor less than seven days before the end of such year.

(2) A magistrate or any two justices may require the Senior Medical Officer to give such further information concerning the patient as he or they may require, or order that the patient be brought before him or them for examination and, if necessary, discharge him from the approved place.

(3) Any person who detains a person after he has knowledge that an order for his reception has expired shall be guilty of a misdemeanour.

(4) A certificate under the hand of a magistrate that an order for reception has been continued to the date therein mentioned shall be sufficient evidence of the fact.

8. The Senior Medical Officer shall be responsible for the management and control of an approved place, the patients and the staff thereof.

9. If it shall appear to any justice that the father, mother, husband, wife or children of any person confined in an approved place or elsewhere as hereinafter provided for is or are possessed of sufficient means to support or contribute to the support of such person, he may summon such relatives to appear before a Court, and the Court shall, if satisfied that such relative or relatives are able to maintain or assist in the maintenance of the person so confined, order that such relative or relatives pay such sum of money weekly or otherwise as it may consider reasonable having regard to the circumstances of the parties:
Provided that a Court may vary an order upon proof that
the means of such relative or relatives have changed since
the date of the original order or any subsequent order
varying it.

10. The Judge of the Supreme Court may make such
inquiries as he may deem proper as to the estate of a person
of unsound mind, and may order all or any part thereof to be
sold or dealt with as he may deem most expedient for the
purpose of raising or securing money for the payment of or
provision for the future maintenance of such person, or for
any purpose which the Judge may consider is for the benefit
and interest of the person of unsound mind.

11. Whenever it shall appear to the Senior Medical Officer
that a patient is fit to be discharged from an approved place
he shall so certify to a magistrate or two justices who may
order that such patient shall be discharged accordingly.

12. Whenever the Senior Medical Officer shall certify that a
patient (except any criminal lunatic) is fit to be discharged to
the care and custody of relatives or friends any justice may
order accordingly, subject to such relatives or friends entering
into a bond, with or without sureties, in such amount and
conditions as the justice may deem fit that such patient shall
be properly taken care of and shall be prevented from doing
injury to himself or others.

13. (1) When it shall appear to the Senior Medical Officer
that any person confined under this Ordinance (other than
a criminal lunatic) is not dangerous, he may at his discretion
permit such person to be absent from an approved place upon
trial for such period as he may think proper and subject to any
undertaking or the observance of any conditions as to
residence, occupation, surveillance and sureties (if any)
as the Senior Medical Officer may deem fit.

(2) In the case of any breach of an undertaking or
condition imposed under this section, or if a person does not
return to the approved place at the expiration of the period
for which he was released, such person may at any time up to
fourteen days after the expiration of such period be retaken
by any police officer and conveyed back to an approved place.
14. Any patient who shall leave an approved place otherwise than upon discharge, removal, or release on trial may without a fresh order and certificates be retaken at any time within fourteen days after his leaving the approved place by a police officer or any person authorised in writing by the Senior Medical Officer and conveyed back to, and received in, the approved place.

15. (1) If it shall appear to a magistrate on information on oath that there is reason to believe that any person of sound mind (other than a criminal lunatic) is confined in an approved place against his will, he shall order that such person shall be brought before him or two justices for the examination on oath of such confined person and of any medical or other witnesses who may be called by the Senior Medical Officer or informant as to the state of mind of such person, and if it shall appear to such magistrate or justices that such person is of sound mind and detained against his will, he or they shall make an order that such person shall be discharged from the approved place and the Senior Medical Officer shall discharge such person accordingly.

(2) An examination under this section shall be conducted in private.

16. (1) The magistrate or two justices may, upon being satisfied that adequate arrangements have been made for the safety and care of a person of unsound mind while on board ship and for his reception at the port of landing to secure his proper disposal into the care of friends or a mental hospital in the United Kingdom, or being an alien, in his country of origin, order that such person be removed from the Colony in a ship bound for a port in the United Kingdom or said country of origin as the case may be:

Provided that the father, mother, husband, wife or children of the person so removed shall pay such part of the cost of the passage and maintenance in a mental home of such person as a justice shall after hearing the parties decide.

(2) When a person of unsound mind is removed from the Colony a transcript of the proceedings in respect of such person shall be transmitted by the Governor to His Majesty’s Secretary of State for the Colonies.
(3) This section shall not apply to the removal of criminal lunatics which is governed by the Colonial Prisoners Removal Act, 1884, and any Act amending or replacing that Act.

17. (1) The Governor shall appoint two or more persons to be visitors of approved places and may remove any of them and appoint others in their places.

(2) Two of the said visitors shall at least once in every month inspect every part of an approved place in which a person of unsound mind is confined and see and examine every such person therein and the orders for their admission, and shall enter in a book to be kept for that purpose any remarks which they may deem proper in regard to the condition and management of the approved place and the patients therein and shall sign the book upon every such visit.

(3) The said visitors shall in December in each year submit a joint report to the Governor on the state and condition of any approved place in which persons of unsound mind are confined and as to the management and conduct thereof and the care of patients therein.

(4) In addition to the annual report the visitors, or any of them, shall at any time make such reports upon any matter connected with an approved place as they shall see fit, and as may be specially directed by the Governor.

18. (1) No person who has presented an application or laid an information for a reception order, or signed or carried out, or done any act with a view to signing or carrying out, an order purporting to be a reception order, or any report, application or certificate, or any document purporting to be a report, application or certificate, or has done anything in pursuance of this Ordinance shall be liable to any civil or criminal proceedings unless he has acted in bad faith or without reasonable care.

(2) No proceedings shall be brought against any person in any Court in respect of any matter referred to in subsection (1) hereof without the leave of the Supreme Court, and leave shall not be granted unless the Supreme Court is satisfied there is substantial ground for the contention that the person against whom it is sought to bring proceedings has acted in bad faith or without reasonable care.
(3) Notice of any application under subsection (2) hereof shall be given to the person against whom it is sought to bring proceedings, and such person shall be entitled to be heard against the application.

(4) Proceedings against any person for anything done under this Ordinance shall be commenced within twelve months of the alleged act in respect of which the proceedings are brought, or from the date of release of the party who has been detained as a person of unsound mind, as the case may be, and for the purpose hereof the date of service of notice of an application under subsection (3) hereof shall be deemed to be date of commencement provided that proceedings are commenced within four weeks of leave to proceed having been granted.

(5) If proceedings are not commenced within the time stated in subsection (4) hereof judgment shall be given for the defendant.

19. Any person not being a registered medical practitioner who knowingly and wilfully signs a certificate prescribed under this Ordinance shall commit a misdemeanour and on conviction thereof shall be liable to imprisonment for a term not exceeding twelve months.

20. Any registered medical practitioner who knowingly and wilfully in any certificate prescribed under this Ordinance falsely certifies anything shall commit a misdemeanour and on conviction thereof shall be liable to imprisonment for a term not exceeding two years.

21. Any person who wilfully assists the escape of any person of unsound mind while being conveyed to or confined in an approved place or who hides such person who has escaped from an approved place shall commit an offence and shall be liable to a fine not exceeding £20 or to imprisonment for a term not exceeding six months.

22. Any person employed at an approved place who through wilful neglect or connivance permits any person confined in an approved place to leave otherwise than on discharge, removal or release on trial as provided by this Ordinance shall commit an offence and shall be liable to a fine not exceeding £20 or to imprisonment for a term not exceeding six months.
23. Any person employed or having duties at an approved place who carnally knows or attempts to have carnal knowledge of any female under care and treatment at such approved place shall commit a misdemeanour and on conviction on indictment shall be liable to imprisonment for a term not exceeding two years.

24. Any person employed at an approved place who strikes, ill-treats or neglects any patient therein shall commit an offence and be liable to a fine not exceeding £20 or to imprisonment for a term not exceeding six months.

25. Any person who strikes or ill-treats any person released on trial from an approved place knowing him to be of unsound mind, or obstructs an officer of an approved place in the execution of his duty in connection with a person of unsound mind, shall commit an offence and be liable to a fine not exceeding £20 or a term of imprisonment not exceeding six months.

26. Any person who, without the consent of the Senior Medical Officer gives, sells or barters any article or commodity to any patient in an approved place shall commit an offence and be liable to a penalty not exceeding £20 or to imprisonment for a term not exceeding six months.

27. (1) Any person who trespasses upon any premises belonging or appertaining to an approved place, or who enters the same without being duly authorised so to do, shall commit an offence and be liable to a fine not exceeding £10 or to imprisonment for a term not exceeding three months.

(2) Any person committing an offence under this section may be apprehended without warrant by any servant at the approved place or by any constable.

28. The Governor in Council may make rules for the better administration of this Ordinance and the control and management of approved places.

29. Any party to proceedings under sections 9 and 16 (1) hereof shall have a right of appeal to the Supreme Court against any order made by a justice.
30. Nothing in this Ordinance shall apply to criminal lunatics or affect the jurisdiction of the Supreme Court in matters relating to lunacy.
CHAPTER 47.

MERCHANDISE MARKS.

MERCHANDISE MARKS ORDINANCE.

[18th February, 1889.]

1. This Ordinance may be cited as the Merchandise Marks Ordinance.

2. (1) Every person who
   (a) forges any trade mark; or
   (b) falsely applies to goods any trade mark or any mark so nearly resembling a trade mark as to be calculated to deceive; or
   (c) makes any die, block, machine or other instrument for the purpose of forging, or of being used for forging a trade mark; or
   (d) applies any false trade description to goods; or
   (e) disposes of or has in his possession any die, block, machine or other instrument for the purpose of forging a trade mark; or
   (f) causes any of the things above in this section mentioned to be done

shall, subject to the provisions of this Ordinance, and unless he proves that he acted without intent to defraud, commit an offence.

(2) Every person who sells, or exposes or has in his possession for sale or any purpose of trade or manufacture, any goods or things to which any forged trade mark or false trade description is applied, or to which any trade mark or mark so nearly resembling a trade mark as to be calculated to deceive is falsely applied, as the case may be, shall unless he proves

(a) that having taken all reasonable precautions against committing an offence against this Ordinance, he
had at the time of the alleged offence no reason to suspect the genuineness of the trade mark or trade description; and

(b) that on demand made by or on behalf of the prosecutor he gave all the information in his power with respect to the persons from whom he obtained such goods or things; or

(c) that otherwise he had acted innocently,

be guilty of an offence.

(3) Every person guilty of an offence against this Ordinance shall be liable

(i) on conviction on indictment to imprisonment, with or without hard labour, for a term not exceeding two years, or to a fine or to both imprisonment and fine; and

(ii) on summary conviction to imprisonment, with or without hard labour, for a term not exceeding four months, or to a fine not exceeding £20, and in the case of a second or subsequent conviction to imprisonment, with or without hard labour, for a term not exceeding six months, or to a fine not exceeding £30; and

(iii) in any case to forfeit to His Majesty every chattel, article, instrument or thing by means of or in relation to which the offence has been committed.

3. (1) In this Ordinance unless the context otherwise requires—

Definitions.

“Trade mark” means a trade mark registered in the register of trade marks kept under the provisions of the Trade Marks Act, 1905, and includes any trade mark which, either with or without registration, is protected by law in the Colony, or in any British possession or foreign state, to which the provisions of section 91 of the Patents and Designs Act, 1907, are under Order in Council for the time being applicable.

“Trade description” means any description, statement or other indication direct or indirect—

(a) as to the number, quantity, measure, gauge or weight of any goods; or

(b) as to the place or country in which any goods were made or produced; or
(c) as to the mode of manufacturing or producing any goods; or

(d) as to the material of which any goods are composed; or

(e) as to any goods being the subject of an existing patent, privilege or copyright, and the use of any figure, word or mark which according to the custom of trade is commonly taken to be an indication of any of the above matters shall be deemed to be a trade description within the meaning of this Ordinance.

"False trade description" means a trade description which is false in a material respect as regards the goods to which it is applied, and includes every alteration of a trade description, whether by way of addition, effacement or otherwise where that alteration makes the description false in a material respect, and the fact that a trade description is a trade mark, or part of a trade mark, shall not prevent such trade description being a false trade description within the meaning of this Ordinance.

"Goods" means anything which is the subject of trade, manufacture or merchandise.

"Person," "manufacturer," "dealer" or "trader" and "proprietor" include any body of persons corporate or unincorporate.

"Name" includes any abbreviation of a name.

(2) The provisions of this Ordinance respecting the application of a false trade description to goods shall extend to the application to goods of any such figures, words, or marks, or arrangement or combination thereof, whether including a trade mark or not, as are reasonably calculated to lead persons to believe that the goods are the manufacture or merchandise of some person other than the person whose manufacture or merchandise they really are.

(3) The provisions of this Ordinance respecting the application of a false trade description to goods, or respecting goods to which a false trade description is applied, shall extend to the application to goods of any false name or initials applied in like manner, as if such name or initials were a trade description.
“False name or initials” means as applied to any goods any name or initials of a person which—

(a) are not a trade mark or part of a trade mark; and

(b) are identical with, or a colourable imitation of, the name or initials of a person carrying on business in connection with goods of the same description, and not having authorised the use of such name or initials; and

(c) are either those of a fictitious person or of some person not bona fide carrying on business in connection with such goods.

4. A person shall be deemed to forge a trade mark who either—

(a) without the assent of the proprietor of the trade mark makes that trade mark, or a mark so nearly resembling that trade mark as to be calculated to deceive; or

(b) falsifies any genuine trade mark, whether by alteration, addition, effacement or otherwise,

and any trade mark or mark so made or falsified is in this Ordinance referred to as a forged trade mark:

Provided that in any prosecution for forging a trade mark the burden of proving the assent of the proprietor shall lie on the defendant.

5. (1) A person shall be deemed to apply a trade mark or mark or trade description to goods who—

(a) applies it to the goods themselves; or

(b) applies it to any covering, label, reel or other thing in or with which the goods are sold or exposed or had in possession for any purpose of sale, trade or manufacture; or

(c) places, encloses or annexes any goods which are sold or exposed, or had in possession for any purpose of sale, trade or manufacture in, with or to any covering, label, reel or other thing to which a trade mark or trade description has been applied; or

(d) uses a trade mark or mark or trade description in any manner calculated to lead to the belief that the goods in connection with which it is used are
designated or described by that trade mark or mark or trade description.

(2) "Covering" includes any stopper, cask, bottle, vessel, box, cover, capsule, case, frame or wrapper; "label" includes any band or ticket.

A trade mark, or mark, or trade description shall be deemed to be applied whether it is woven, impressed or otherwise worked into, or annexed, or affixed to the goods, or to any covering, label, reel or other thing.

(3) A person shall be deemed to falsely apply to goods a trade mark or mark, who without the assent of the proprietor of a trade mark applies such trade mark or a mark so nearly resembling it as to be calculated to deceive, but in any prosecution for falsely applying a trade mark or mark to goods the burden of proving the assent of the proprietor shall lie on the defendant.

6. Where a defendant is charged with making any die, block, machine or other instrument for the purpose of forging or being used for forging a trade mark, or with falsely applying to goods any trade mark, or any mark so nearly resembling a trade mark as to be calculated to deceive, or with applying to goods any false trade description, or causing any of the things in this section mentioned to be done and proves—

(a) that in the ordinary course of his business he is employed on behalf of other persons to make dies, blocks, machines or other instruments for making or being used in making trade marks, or as the case may be to apply marks or descriptions to goods, and that in the case which is the subject of the charge he was so employed by some person resident in the Colony and was not interested in the goods by way of profit or commission dependent on the sale of such goods; and

(b) that he took reasonable precautions against committing the offence charged; and

(c) that he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the trade mark, mark or trade description; and
(d) that he gave to the prosecutor all the information in his power with respect to the persons on whose behalf the trade mark, mark or trade description was applied,

he shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor unless he has given due notice to him that he will rely on the above defence.

7. Where a watch case has thereon any words or marks which constitute, or are by common repute considered as constituting, a description of the country in which the watch was made, and the watch bears no description of the country where it was made, those words or marks shall prima facie be deemed to be a description of that country within the meaning of this Ordinance with respect to goods to which a false trade description has been applied, and the provisions of this Ordinance with respect to selling exposing or having in possession for sale or any purpose of trade or manufacture, goods with a false trade description shall apply accordingly. “Watch” means all that portion of a watch which is not the watch case.

8. In any indictment, pleading, proceeding or document, in which any trade mark or forged trade mark is intended to be mentioned, it shall be sufficient without further description and without any copy or facsimile to state that trade mark or forged trade mark to be a trade mark or forged trade mark.

9. In any prosecution for an offence against this Ordinance in the case of imported goods evidence of the port of shipment shall be prima facie evidence of the place or country in which the goods were made or produced.

10. (1) Where upon information of an offence against this Ordinance a justice of the peace has issued either a summons requiring the defendant charged by such information to appear to answer to the same or a warrant for the arrest of such defendant, and either the said justice on or after issuing the said summons or warrant, or any other justice of the peace, is satisfied by information on oath that there is reasonable cause to suspect that any goods or things by means of or in relation to which such offence has been committed are in any house or premises of the defendant, or otherwise in his possession or under his control in any place, such
justice may issue a warrant under his hand by virtue of which it shall be lawful for any constable named or referred to in the warrant to enter any such house, premises or place at any reasonable time by day and there to search for and seize and take away those goods or things, and any goods or things seized under any such warrant shall be brought before a magistrate or two justices of the peace for the purpose of its being determined whether the same are or are not liable to forfeiture under this Ordinance.

(2) If the owner of any goods or things which, if the owner thereof had been convicted, would be liable to forfeiture under this Ordinance, is unknown or cannot be found, an information or complaint may be laid for the purpose only of enforcing such forfeiture, and a magistrate or two justices of the peace may cause notice to be advertised stating that unless cause is shown to the contrary at the time and place named in the notice such goods or things will be forfeited, and at such time and place the magistrate or two justices of the peace, unless the owner or any person on his behalf or other person interested in the goods or things show cause to the contrary, may order such goods or things, or any of them, to be forfeited.

(3) Any goods or things forfeited under any provision of this Ordinance may be destroyed or otherwise disposed of in such manner as the Court by which the same are forfeited may direct, and the Court may, out of any proceeds which may be realised by the disposition of such goods (all trade marks and trade descriptions being first obliterated), award to any innocent party any loss he may have innocently sustained in dealing with such goods.

11. No prosecution for an offence against this Ordinance shall be commenced after the expiration of three years next after the commission of the offence, or one year next after the first discovery thereof by the prosecutor, whichever expiration first happens.

12. (1) All goods which, if sold would be liable to forfeiture under this Ordinance and also 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 United Kingdom or any British possession.
unless such name or trade mark is accompanied by a definite indication of the country in which the goods were made or produced, are hereby prohibited to be imported into the Colony.

(2) Where there is on any goods a name which is identical with or a colourable imitation of the name of a place in the United Kingdom, that name, unless accompanied by the name of the country in which such place is situate, shall be treated for the purposes of this section as if it were the name of a place in the United Kingdom.

(3) The Governor in Council may make, revoke and vary regulations respecting the detention and forfeiture of goods, the importation of which is prohibited by this section, and the conditions, if any, to be fulfilled before such detention and forfeiture, and may by such regulations determine the information, notices and security to be given, and the evidence requisite for any of the purposes of this section, and the mode of verification of such evidence.

(4) Such regulations may apply to all goods the importation of which is prohibited by this section, or different regulations may be made respecting different classes of such goods or of offences in relation to such goods.

(5) The regulations may provide for the informant reimbursing the Collector of Customs all expenses and damages incurred in respect of any detention made on his information and of any proceedings consequent on such detention.

13. On the sale or in the contract for the sale of any goods to which a trade mark or mark or trade description has been applied the vendor shall be deemed to warrant that the mark is a genuine trade mark and not forged or falsely applied, or that the trade description is not a false trade description within the meaning of this Ordinance, unless the contrary is expressed in some writing signed by or on behalf of the vendor and delivered at the time of the sale or contract to and accepted by the purchaser.

14. Where a trade description is lawfully and generally applied to goods of a particular class or manufactured by a particular method to indicate the particular class or method of manufacture of such goods, the provisions of this Ordinance with respect to false trade descriptions shall not apply to such trade description when so applied:
Provided that where such trade description includes the name of a place or country, and is calculated to mislead as to the place or country where the goods to which it is applied were actually made or produced, and the goods are not actually made or produced in that place or country, this section shall not apply unless there is added to the trade description immediately before or after the name of that place or country, in an equally conspicuous manner with that name, the name of the place or country in which the goods were actually made or produced, with a statement that they were made or produced there.

Savings.

15. (1) This Ordinance shall not exempt any person from any action, suit or other proceeding which might, but for the provisions of this Ordinance, be brought against him.

(2) Nothing in this Ordinance shall entitle any person to refuse to make a complete discovery, or to answer any question or interrogatory in any action, but such discovery or answer shall not be admissible in evidence against such person in any prosecution for an offence against this Ordinance.

(3) Nothing in this Ordinance shall be construed so as to render liable to any prosecution or punishment any servant of a master resident in the Colony who, bona fide acts in obedience to the instructions of such master, and on demand made by or on behalf of the prosecutor has given full information as to his master.

Regulations.

16. The Governor in Council may from time to time make, alter and rescind regulations for carrying out the provisions of this Ordinance.
CHAPTER 48.

MINING.

AN ORDINANCE TO AUTHORISE AND REGULATE PROSPECTING AND MINING.

[11th July, 1918.]

1. This Ordinance may be cited as the Mining Ordinance. Short title.

2. In this Ordinance and any Regulations made thereunder the word "mineral" means and includes precious stones, precious metals, metals and all minerals of any kind whatsoever including coal, bituminous shale and mineral oil. Definition of mineral.

3. This Ordinance shall apply only to unalienated Crown Lands and to lands the subject of an existing Crown grant or Crown lease the effect of which is to confine the user of such land by the grantee or lessee to pastoral purposes only and to reserve to the Crown all mines of silver, gold and other precious metals and all mines of coal or all diamonds and all mines of gold, silver, and other metals and all mines of coal, as the case may be. Lands to which applicable.

4. No person shall prospect for or mine or take away any mineral found upon or under any land to which this Ordinance applies, unless he be first granted by the Governor a prospecting licence or a mining lease, as the case may be, entitling him to do so: No person to prospect or mine without authority.

Provided that no licence shall be required by the holder of a Crown grant or Crown lease to quarry or take stone, flint, chalk, gravel, sand, peat and such other substances as the Governor may permit to be quarried or taken, whether under or upon the land the subject of such grant or lease. Any stone, flint, chalk, gravel, sand, peat or other substance so quarried or taken shall be used exclusively upon such land and no part thereof shall, except by permission of

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]
the Governor in writing, be sold, given away, dealt with or disposed of in any other manner whatsoever. Any person acting in contravention of this section shall commit an offence under this Ordinance.

5. (1) The Governor may grant licences to prospect for and leases to mine, take, win, and carry away any mineral upon or under any land to which this Ordinance applies, on such terms and for such periods of time as the Secretary of State for the Colonies may approve, and subject to any regulations in force.

(2) No licence or lease granted under this Ordinance shall be disposed of or transferred without the written sanction of the Governor being first obtained.

(3) Every prospecting licence and every mining lease granted under this Ordinance shall provide that the holder thereof in the exercise of the right conferred shall do as little damage as possible, and shall be subject to the payment by the licensee or lessee, as the case may be, of reasonable compensation to the grantee or lessee of the land in respect of which the licence or lease is granted, for any actual damage done by him, in the exercise of such right, to any buildings, roads, or pastoral rights on or over the land.

6. (1) Any claim for compensation for actual damage done by the holder of a prospecting licence or mining lease or by his agent or servants to any buildings, roads or pastoral rights, shall be made by the grantee or lessee of the land and lodged with the Colonial Secretary within four months from the date of the alleged damage sustained.

(2) Every such claim shall within six months from the date of its being lodged with the Colonial Secretary be inquired into and the damage if any assessed by a Board of three arbitrators composed of the magistrate of the district in which the alleged damage occurred, or such other officer as the Governor may appoint, and two persons resident in the Colony, one of whom shall be nominated by the grantee or lessee of the land lodging the claim and the other by the person to whom the licence or lease is granted.

(3) An appeal from the finding of the majority of the Board of Arbitrators shall lie to the Judge whose decision shall be final.
7. A licence to prospect and a lease to mine shall be in the form approved by the Governor, and shall entitle the holder thereof as well as his authorised agents and servants, together with his or their animals, carts, vehicles and all things and appliances necessary for the working of the undertaking, to enter freely and to pass at all times on to and over the land named therein, and, subject to the conditions specified therein, to prospect for or to mine, take, win and carry away any mineral found upon or under the land to which the licence or lease shall apply.

8. Every application for a prospecting licence or for a mining lease shall be made in writing to the Colonial Secretary and shall state the position and approximate area and boundaries of the land in respect of which the application is made, and such further particulars as may be required by the Governor.

9. Any person who interferes with or obstructs the holder of a prospecting licence, or of a mining lease, or his agents or servants in the exercise of the rights and privileges conferred on him in pursuance of this Ordinance or of any regulation made thereunder shall recommit an offence under this Ordinance.

10. In every prospecting licence there shall be implied and deemed to be inserted therein a condition that the person to whom the same is granted shall carry on the work of prospecting actively and with due diligence to the satisfaction of the Governor, in default of which, the licence may, with the sanction of the Secretary of State, be cancelled by the Governor, when it shall become null and void and all works and property of the licensee on the land shall be forfeited to the Government or otherwise dealt with as the Governor may order.

11. Any mineral raised, taken, won or carried away in contravention of the provisions of this Ordinance, or any regulation made thereunder, shall be forfeited to the Government, and any person so acting in contravention of this section shall commit an offence under this Ordinance.
12. (1) The Governor in Council may make and from time to time vary regulations for carrying out the provisions and intent of this Ordinance, and for protecting owners and occupiers of land against undue interference with their rights by operations of mining enterprises.

(2) The regulations may provide for the payment of such royalties and fees as the Governor in Council may see fit to impose.

13. Any person found guilty of an offence under this Ordinance, or failing to comply with any regulation made thereunder shall on summary conviction be liable for every offence to a fine not exceeding fifty pounds (£50) or to imprisonment for a term not exceeding six months, and in addition, at the discretion of the Governor and with the sanction of the Secretary of State, if the holder of a prospecting licence or a mining lease, to the cancellation of the same.
CHAPTER 49.

PENSIONS.

AN ORDINANCE TO PROVIDE FOR THE GRANT OF PENSIONS, GRATUITIES AND OTHER ALLOWANCES TO PERSONS WHO HAVE BEEN IN THE PUBLIC SERVICE OF THE COLONY.

[31st December, 1949.]

1. This Ordinance may be cited as the Pensions Ordinance. Short title.

2. (1) In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

"Pensionable office" means:

(a) in respect of service in the Colony an office which, by virtue of provision for the time being in force in an Order made by the Governor in Council and published in the Gazette, is declared to be a pensionable office; and any such Order may from time to time be amended, added to, or revoked by an Order so made and published; but where by virtue of any such amendment or revocation any office ceases to be a pensionable office, then so long as any person holding that office at the time of the amendment or revocation continues therein, the office shall, as respects that person, continue to be a pensionable office;

(b) in respect of other public services an office which is for the time being a pensionable office under the law or regulations in force in such service.

"Non-pensionable office" means an office which is not a pensionable office.

"Pensionable emoluments":

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]
(a) in respect of service in the Colony includes salary and personal allowance, but does not include duty allowance, entertainment allowance or any other emoluments whatever;

(b) in respect of other public service means emoluments which count for pension in accordance with the law or regulations in force in such service.

"Salary" means the salary attached to a pensionable office or, where provision is made for taking service in a non-pensionable office into account as pensionable service, the salary attached to that office.

"Personal allowance" means a special addition to salary granted personally to the holder for the time being of the office, but pensionable emoluments do not include such an addition if it is granted subject to the condition that it shall not be pensionable.

"Public service" means service in a civil capacity under the Government of the Colony or the Government of any other part of His Majesty's dominions, or of any British protected state, protectorate or mandated or trust territory administered by the Government of any part of His Majesty's dominions, or of the New Hebrides or of the Anglo-Egyptian Sudan, or service which is pensionable under the Teachers (Superannuation) Act, 1925, or any Act amending or replacing the same, or under the Colonial Superannuation Scheme, or in a Colonial University College, or pensionable employment under a local authority in the United Kingdom, or in such other service as the Secretary of State may determine to be "public service" for the purpose of any provision of this Ordinance; and, except for the purposes of computation of pension or gratuity and of section 9 of this Ordinance, includes service as a Governor-General, Governor or High Commissioner in any part of His Majesty's dominions, any British protected state or Protectorate, any territory under British Mandate or the Anglo-Egyptian Sudan.

"Other public service" means public service not under the Government of the Colony.

(2) For the avoidance of doubts it is hereby declared that, where an officer has been confirmed in a pensionable office and is thereafter appointed to another pensionable office, then, unless the terms of such appointment otherwise
require, such last mentioned office is, for the purposes of this Ordinance, an office in which he has been confirmed.

3. (1) Pensions, gratuities and other allowances may be granted by the Governor in Council in accordance with regulations made under this Ordinance to officers who have been in the service of the Colony.

The said regulations may from time to time be amended, added to, or revoked by regulations made by the Governor in Council with the sanction of the Secretary of State, and all regulations so made shall be laid before the Legislative Council and published in the *Gazette*.

(2) All regulations made under this section shall have the same force and effect as if they were contained in this Ordinance, and the expression "this Ordinance" shall, wherever it occurs in the following sections, be construed as including a reference to the said regulations.

(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.

4. There shall be charged on and paid out of the revenues of the Colony all such sums of money as may from time to time be granted by way of pension, gratuity or other allowance in pursuance of this Ordinance.

5. (1) No officer shall have an absolute right to compensation for past services or to pension, gratuity, or other allowance; nor shall anything in this Ordinance affect the right of the Crown to dismiss any officer at any time and without compensation.

(2) Where it is established to the satisfaction of the Governor in Council that an officer has been guilty of negligence, irregularity or misconduct, the pension, gratuity, or other allowance may be reduced or altogether withheld.

6. (1) No pension, gratuity or other allowance shall be granted under this Ordinance to any officer except on his retirement from the public service in one of the following cases:
(i) on attaining the age of sixty years, or with the approval of the Governor in Council on or after attaining the age of fifty-five years, or in special cases, with the approval of the Secretary of State, on or after attaining the age of fifty years;

(ii) in the case of transfer to other public service, on or after attaining the age at which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity;

(iii) on the abolition of his office;

(iv) on compulsory retirement for the purpose of facilitating improvement in the organisation of the department to which he belongs, by which greater efficiency or economy may be effected;

(v) on medical evidence to the satisfaction of the Governor in Council or the Secretary of State that he is incapable by reason of any infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent;

(vi) in the case of removal on the ground of inefficiency as provided in this Ordinance;

(vii) on retirement in circumstances, not mentioned in the preceding paragraphs of this section, rendering him eligible for a pension under the Pensions (Governors of Dominions, etc.) Acts, 1911 to 1936, or any Act amending or replacing those Acts:

Provided that the pensionable service of the officer is not less than ten years.

10 of 1950.

(2) Any pension or gratuity granted under this Ordinance shall be computed in accordance with the provisions in force at the actual date of an officer's retirement.

7. Where an officer is removed from his office on the ground of his inability to discharge efficiently the duties thereof, and a pension, gratuity or other allowance cannot otherwise be granted to him under the provision of this Ordinance, the Governor in Council may, if he considers it justifiable having regard to all the circumstances of the case, grant such pension, gratuity or other allowance as he thinks
just and proper, not exceeding in amount that for which the officer would be eligible if he retired from the public service in the circumstances described in paragraph (5) of the preceding section.

8. (1) It shall be lawful for the Governor in Council to require an officer to retire from the service of the Colony

(a) at any time after he attains the age of fifty-five years; or

(b) in special cases, with the approval of the Secretary of State, at any time after he attains the age of fifty years.

(2) An officer may with the approval of the Governor in Council retire at any time after he attains the age of fifty-five years.

9. (1) Except in cases provided for by subsection (2) of this section, a pension granted to an officer under this Ordinance shall not exceed two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his service in the Colony.

(2) An officer who shall have been granted a pension in respect of other public service shall not at any time draw from the funds of the Colony an amount of pension which, when added to the amount of any pension or pensions drawn in respect of other public service, exceeds two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his public service:

Provided that where an officer receives in respect of some period of public service both a gratuity and a pension, the amount of such pension shall be deemed for the purpose of this subsection to be four-thirds of its actual amount.

(3) Where the limitation prescribed by the preceding subsection operates, the amount of the pension to be drawn from the funds of the Colony shall be subject to the approval of the Secretary of State, in order that it may be determined with due regard to the amount of any pension or pensions to be drawn in respect of other public service.

(4) For the purposes of the preceding subsections an additional pension granted in respect of injury shall not be taken into account; but where the officer is granted such an additional pension under this Ordinance, the amount thereof
together with the remainder of his pension or pensions shall not exceed five-sixths of his highest pensionable emoluments at any time in the course of his public service.

10. (1) Every pension granted under this Ordinance shall be subject to the condition that unless or until the officer shall have attained the age of 55 years, he may, if physically fit for service, be called upon by the Secretary of State to accept an office, whether in the Colony or in other public service, not less in value, due regard being had to circumstances of climate, than the office which he held at the date of his retirement.

If a pensioner so called upon declines to accept such office the payment of his pension may be suspended until he has attained the age of 55 years.

(2) The provisions of the foregoing subsection shall not apply in any case where the Governor, being of opinion that the officer is not qualified for other employment in the public service or that there is no reason to expect that he can be shortly re-employed therein, otherwise directs.

11. If an officer to whom a pension has been granted under this Ordinance is appointed to another office in the public service, the payment of his pension may, if the Governor in Council thinks fit, be suspended during the period of his re-employment.

12. A pension, gratuity or other allowance granted under this Ordinance shall not be assignable or transferable except for the purpose of satisfying

(1) a debt due to the Government; or

(2) an order of any Court for the payment of periodical sums of money towards the maintenance of the wife or former wife or minor child of the officer to whom the pension, gratuity or other allowance has been granted,

and shall not be liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatever except a debt due to the Government.

13. (1) If any person to whom a pension or other allowance has been granted under this Ordinance is adjudicated bankrupt or is declared insolvent by judgment of any competent Court, then such pension or allowance shall forthwith cease.
(2) If any person is adjudicated bankrupt or declared insolvent as aforesaid, either
(a) after retirement in circumstances in which he is eligible for pension or allowance under this Ordinance but before the pension or allowance is granted; or
(b) before such retirement, and he shall not have obtained his discharge from bankruptcy or insolvency at the date of retirement,
then, in the former case any pension or allowance eventually granted to him shall cease as from the date of adjudication or declaration as the case may be and, in the latter case, the pension or allowance may be granted, but shall cease forthwith and not become payable.

(3) Where a pension or allowance ceases by reason of this section, it shall be lawful for the Secretary of State, or if the person in question is resident in the Colony, the Governor, from time to time during the remainder of such person’s life, or during such shorter period or periods, either continuous, or discontinuous, as the Secretary of State or the Governor, as the case may be, shall think fit, to direct all or any part of the moneys to which such person would have been entitled by way of pension or allowance, had he not become bankrupt or insolvent, to be paid to, or applied for the maintenance or benefit of, all or any to the exclusion of the other or others, of the following, that is to say, such person and any wife, child or children of his, in such proportions and manner as the Secretary of State or the Governor, as the case may be, thinks proper, and such moneys shall be paid or applied accordingly.

(4) Moneys applied for the discharge of the debts of the person whose pension or allowance has so ceased shall, for the purpose of this section, be regarded as applied for his benefit.

(5) When a person whose pension or allowance has so ceased obtains his discharge from bankruptcy or insolvency, it shall be lawful for the Secretary of State or, if such person is resident in the Colony, the Governor, to direct that the pension or allowance shall be restored as from the date of such discharge or any later date, and the pension or allowance shall be restored accordingly.

14. (1) If any person to whom a pension or other allowance has been granted under this Ordinance is sentenced to a term
of imprisonment by any competent Court for any offence, such pension or allowance shall, if the Secretary of State, or if such person is resident in the Colony, the Governor, so directs, cease as from such date as the Secretary of State or the Governor, as the case may be, determines.

(2) If any person is sentenced as aforesaid after retirement in circumstances in which he is eligible for pension or allowance under the Ordinance but before the pension or allowance is granted, then the provisions of the foregoing paragraph shall apply as respects any pension or allowance which may be granted to him.

(3) Where a pension or allowance ceases by reason of this section it shall be lawful for the Secretary of State or the Governor, as the case may be, to direct all or any part of the moneys to which such person would have been entitled by way of pension or allowance had he not been sentenced as aforesaid to be paid, or applied, in the same manner in all respects as prescribed in the preceding section, and such moneys shall be paid or applied accordingly.

(4) If such person after conviction at any time receives a free pardon, the pension or allowance shall be restored with retrospective effect; but in determining whether arrears of such pension or allowance are payable to such person and in computing the amount thereof, account shall be taken of all moneys paid or applied under the preceding subsection.

15. If any person to whom a pension or other allowance has been granted under this Ordinance otherwise than under section 17 becomes either a director of any company the principal part of whose business is in any way directly concerned with the Government, or an officer or servant employed in the Colony by any such company, without the prior permission of the Governor in writing, such pension or allowance shall cease if the Governor so directs:

Provided that it shall be lawful for the Governor, on being satisfied that the person in respect of whose pension or allowance any such direction shall have been given has ceased to be a director of such company or to be employed as an officer or servant of such company in the Colony, as the case may be, to give directions for the restoration of such pension or allowance, with retrospective effect, if he shall see fit, to such a date as he shall specify, and the pension or allowance shall be restored in accordance with any such directions.
16. (1) Where an officer holding a pensionable office who is not on probation or agreement, or an officer holding a non-pensionable office to which he has been transferred from a pensionable office in which he has been confirmed, dies while in the service of the Colony, it shall be lawful for the Governor in Council to grant to his legal personal representative a gratuity of an amount not exceeding his annual pensionable emoluments.

(2) For the purpose of this section, “annual pensionable emoluments” means the emoluments which would be taken for the purpose of computing any pension or gratuity granted to the officer if he had retired at the date of his death in the circumstances described in paragraph (5) of section 6 of this Ordinance.

17. (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 £15 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 18 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 18 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 18 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 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 subsection 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 remarriage; 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 18 years.

(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 purpose of this section the word "child" shall include

(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) An officer who dies as a result of injuries received while travelling by air in pursuance of official instructions shall be deemed to have died in the circumstances detailed in (a) and (c) of subsection (1) of this section; provided that in such a case and if (b) is also satisfied the rates of pension prescribed in (i) and (ii) of that subsection shall be fifteen sixtieths and one-sixth respectively.

(5) 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 a 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.

(6) This section shall not apply in the case of the death of any officer selected for appointment to the service of the Colony on or after the date of operation of this subsection if his dependants as defined in the Workmen’s Compensation Ordinance, or any Ordinance amending or replacing that Ordinance, are entitled to compensation under that Ordinance.

18. (1) The provisions of this Ordinance shall apply——

(a) to every officer first appointed to the public service of the Colony

(i) after the commencement of this Ordinance; or

(ii) before the commencement of this Ordinance, to whom it was intimated before appointment that he would be liable to be affected by any change in the pensions law of the Colony; and
(b) to every other officer serving in the Colony at the commencement of this Ordinance or transferred from the Colony to any other public service before the date of such commencement and still in public service on that date, unless not later than twelve months after such commencement or within such further period as the Governor may in any special case allow, he gives notice in writing to the Colonial Secretary of his desire that the provisions of the Pensions Ordinance, 1937, the Pensions (Amendment) Ordinances, 1940, 1941 and 1946, and the regulations made thereunder shall apply to him, in which case they shall continue to apply accordingly.

(2) If any officer who shall have given notice under paragraph (b) of the preceding subsection is thereafter re-appointed to the service of the Colony the provisions of this Ordinance shall apply to him in respect of his whole service;

Provided that except where such an officer shall eventually become eligible for a pension or gratuity under this Ordinance in respect of his service both before and after his re-employment, a pension or gratuity granted to him solely in respect of service prior to such re-employment shall not be recomputed.
CHAPTER 50.

PLANT DISEASE REGULATION.

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.

[23rd December, 1944.]

1. This Ordinance may be cited as the Plant Disease Regulation Ordinance.

2. In this Ordinance unless the context otherwise requires:

   "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:

   [Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]
(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.

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.
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.
CHAPTER 51.

POLICE AND PRISONS.

AN ORDINANCE TO PROVIDE FOR THE MAINTENANCE OF A POLICE FORCE AND PRISON.

[1st June, 1949.]

1. This Ordinance may be cited as the Police and Prisons Ordinance.

2. In this Ordinance and any regulations made thereunder unless the context otherwise requires—
   "Constable" means the Chief Constable and any other police officer appointed under this Ordinance.

Part 1.

POLICE.

3. (1) The Governor may for any period he may think fit appoint any person to be a constable.
   
   (2) After taking the oath next hereinafter prescribed a constable shall be given a warrant of authority in the following form:
   "This is to certify that has been appointed to act as constable in the Falkland Islands and Dependencies.
   Date.
   for Governor."
   
   (3) A constable shall on termination of his appointment return the warrant to the Colonial Secretary.

4. On appointment a constable shall take the following oath before a justice:

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]
"I, do swear that I will well and truly serve our Sovereign Lord the King in the office of constable for the Falkland Islands and Dependencies, without favour or affection, malice or ill-will, and that I will, to the best of my power, cause the peace to be kept and preserved, and prevent all offences against the persons and properties of His Majesty's subjects, and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge the duties thereof according to law."

5. (1) A constable shall have and exercise all the powers, authorities and immunities and be liable to all the duties and responsibilities of any constable in England so far as they are applicable in the Colony and its Dependencies.

(2) A constable may stop, search or detain any vessel, motor-vehicle, cart or bicycle which he has reason to suspect is being, or has been, used in the commission of an offence and may seize any property found therein or thereon in respect whereof any person on such vessel, motor-vehicle, cart or bicycle, is unable to give a satisfactory explanation, and may arrest any such person.

(3) A constable shall, when so required by the Chief Constable, perform the duties of prison officer or warden.

6. Any constable who shall
(a) be guilty of any neglect or violation of his duty; or
(b) not deliver up forthwith on his ceasing to hold office all his accoutrements, clothing and other necessities of office supplied to him
shall commit an offence and shall be liable on summary conviction to a fine not exceeding £10 or to imprisonment for a term not exceeding one month and a search warrant may be granted for articles not delivered up.

7. Any person who for any unlawful purpose or without the authority of the Governor puts on the dress or accoutrements, or takes the name, designation or character of a constable shall be liable on summary conviction to a fine not exceeding £10.
Part 2.

Prisons.

8. The Governor may appoint any building to be a prison for the confinement of any prisoner sentenced by a Court in the Colony or sent to the Colony on conviction under any Act.

9. (1) The Governor may on the 1st day of January in each year appoint from the panel of justices resident in Stanley three such justices to constitute a Board of Visiting Justices, of whom the Magistrate shall be a permanent and senior member, for the ensuing year.

(2) Visiting Justices shall enter and inspect any prison and see and receive complaints from prisoners when they may so decide but at least four times in any year, and after each such inspection shall report thereon and as to any complaints received from prisoners and the manner in which they were dealt with to the Governor.

10. Any person may be permitted to visit any prisoner on the order in writing of a Visiting Justice.

11. (1) Any person who brings or attempts to introduce into any prison any spirituous or fermented liquor or tobacco, and every officer of a prison who suffers any spirituous or fermented liquor or tobacco to be sold or used therein contrary to Prison Regulations, shall commit an offence and shall be punishable by imprisonment for a term not exceeding six months or to a fine not exceeding £20 or to both such fine and imprisonment, and if the offender be a prison officer he shall be dismissed the service.

(2) Any person conveying or attempting to convey any letter or notice not allowed by Prison Regulations in or out of any prison shall on summary conviction be liable to a fine not exceeding £10, and if the offender be a prison officer he shall be dismissed the service.

12. The period during which any prisoner has been unlawfully absent from prison shall be added to his sentence.
13. A prisoner shall be removed from prison to the hospital on a certificate stating the nature of the illness and that the removal is necessary for his restoration to health, signed by the Senior Medical Officer, countersigned by the magistrate, and delivered to the Chief Constable.

14. The Chief Constable shall give immediate notice of the death of any prisoner to the Coroner.

15. The body of every offender executed shall be buried in such place as the Governor, by writing under his hand, shall appoint.

Part 3.

General.

16. The Governor in Council may make regulations as to—

(1) the duties and discipline of constables and the imposition of any fines for any infringement, in addition to any other punishment to which the constable may be liable;

(2) the duties of Visiting Justices;

(3) the duties and discipline of prison officers, the maintenance of good order in any prison and the discipline of prisoners therein, and the imposition of punishment for any infringement thereof;

(4) the execution of the death sentence.
CHAPTER 52.

POST OFFICE.

AN ORDINANCE RELATING TO THE POST OFFICE.

[25th July, 1898.]

1. This Ordinance may be cited as the Post Office Ordinance.

2. In this Ordinance unless the context otherwise requires:
   "Postal packet" shall mean a letter, post card, reply post card, newspaper, book packet, pattern or sample packet, and every packet or article transmissible by post, and not for the time being prohibited from being sent by post.

3. (1) Subject to the provisions of this Ordinance and to any rules made hereunder, all laws relating to the Post Office of the United Kingdom and any regulations made under such laws shall, so far as the same are applicable, be in force in the Colony.

   (2) The Governor in Council may, by Order, provide for all matters relating to the practice, procedure and jurisdiction in this Colony, under the said laws and regulations in cases where the provisions thereof in respect of such matters are deemed by him inapplicable to the Colony.

4. The Governor in Council may by order:
   (a) Fix the rates of postage to be charged on postal packets sent from any place within the Colony to any other place within or without the Colony;
   (b) Fix the fees to be paid for registration, insurance and money orders, and in every other case where fees may be deemed necessary;
   (c) Make rules as to insurance and compensation, and any other matters connected with the Post Office and the officers and servants thereof.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]
5. The master of any vessel about to depart from any port in the Colony shall, not less than 12 hours before leaving such port, give notice personally or in writing to the Postmaster of his intended departure, and of the names of the places at which he intends to call, and he shall answer all such questions as shall be demanded of him relating to his ship and her intended voyage.

6. A master shall carry every mail tendered to him on behalf of or addressed to any Postmaster, and shall keep all mails that he shall have in charge in some dry and secure place, and the same shall be entered upon the Custom House manifest whenever practicable.

7. Every master who shall refuse or wilfully delay to receive any mail or postal packet tendered to him by or on behalf of the Postmaster, or to give a receipt therefor, or who shall refuse or neglect to deliver without delay at the port of destination to the Postmaster or other addressee every mail or postal packet which he has brought, shall be liable to a penalty not exceeding One hundred Pounds.

8. The Postmaster shall, on demand, pay to the master of any ship (not under contract with the Government), two shillings and sixpence for every mail bag containing letters and papers and five shillings for every mail bag containing parcels safely carried and delivered.

9. Where, according to the rules of the Universal Postal Union, or other agreement, an indemnity in respect of loss is payable, the Governor shall cause the amount thereof to be paid to the sender, or at his request to the addressee, out of the public revenues of the Colony, on account of the country liable to pay such amount or any part thereof.

10. Every postal packet shall, for the purposes of laying any information, be deemed to be the property of the Governor.

11. Any person who shall—

(a) make, knowingly utter, deal in, sell or offer for sale any fictitious or counterfeit stamp, international reply coupon or postal identity card; or
(b) knowingly use for any postal purpose any fictitious or counterfeit stamps, international reply coupon or postal identity card; or

(c) have in his possession, unless he shows a lawful excuse, any fictitious or counterfeit stamp, international reply coupon or postal identity card; or

(d) make, or have in his possession, unless he shows a lawful excuse, any die, plate, instrument, or materials for making any fictitious or counterfeit stamp, international reply coupon or postal identity card; or

(e) insert in any postal packet any opium, morphine, cocaine or any substance or drug whatever which the Senior Medical Officer of the Colony certifies to be purely a narcotic: Provided that the Governor may authorize the insertion in a postal packet of any such substance or narcotic according to any convention or agreement of the Universal Postal Union shall commit an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment, with or without hard labour, for a period not exceeding six months or to both such fine and imprisonment.
CHAPTER 53.

PUBLICATIONS (IMPORT PROHIBITION)

AN ORDINANCE TO PROVIDE FOR THE PROHIBITION BY ORDER OF THE GOVERNOR IN COUNCIL OF THE IMPORTATION INTO THE COLONY OF ANY PUBLICATION.

[4th June, 1938]

1. This Ordinance may be cited as the Publications (Importation Prohibition) Ordinance. Short title.

2. "Publication" includes all written or printed matter and everything, whether of a nature similar to written or printed matter or not, containing any visible representation, or by its form, shape, or in any manner capable of suggesting words or ideas, and every copy and reproduction of any publication. Definitions.

"Periodical publication" includes every publication issued periodically or in parts or numbers at intervals whether regular or irregular.

"Import" includes:

(a) to bring into the Colony, and
(b) to bring within the inland waters of the Colony whether or not the publication is brought ashore, and whether or not there is an intention to bring the same ashore.

3. If the Governor is of the opinion that the importation of any publication would be contrary to the public interest he may, in his absolute discretion, by Order in Council prohibit the importation of such publication, and in the case of a periodical publication may, by the same or subsequent Order in Council, prohibit the importation of any past or future issue thereof. Power to prohibit importation of publication.

4. (1) Any person who imports, publishes, sells, offers for sale, distributes, or reproduces any publication, the importation of which has been prohibited under Section 3, or any Offences.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.)]
extract therefrom, shall be guilty of an offence and liable for
a first offence to imprisonment for two years or to a fine not
exceeding £100 or to both such imprisonment and fine, and
for a subsequent offence to imprisonment for three years; and
such publication or extract therefrom shall be forfeited to His Majesty.

(2) Any person who without lawful excuse has in his
possession any publication the importation of which has been
prohibited under section 3, or any extract therefrom, shall
be guilty of an offence and liable for a first offence to imprison-
ment for one year or to a fine not exceeding £50 or to both
such imprisonment and fine, and for a subsequent offence to
imprisonment for two years; and such publication or extract
therefrom shall be forfeited to His Majesty.

5. (1) Any person to whom any publication the importa-
tion of which has been prohibited under section 3, or any
extract therefrom, is sent without his knowledge or privy,
or in response to a request made before the prohibition of the
importation of such publication came into effect, or who has
such a publication or extract therefrom in his possession at
the time when the prohibition of its importation comes into
effect, shall forthwith if or as soon as the nature of its contents
have become known to him, or, in the case of a publication
or extract therefrom coming into the possession of such
person before an Order in Council prohibiting its importation
has been made, forthwith upon the coming into effect of an
Order in Council prohibiting the importation of such publica-
tion, deliver such publication or extract therefrom to the
Chief Constable, and in default thereof shall be guilty of an
offence and liable to imprisonment for one year or to a fine
not exceeding £50 or to both such imprisonment and fine;
and such publication or extract therefrom shall be forfeited
to His Majesty.

(2) A person who complies with the provisions of sub-
section (1) of this section or is convicted of an offence under
that sub-section shall not be liable to be convicted for having
imported or having in his possession the same publication or
extract therefrom.

6. (1) Any of the following officers, that is to say:—

(а) the Postmaster;
(b) the Collector of Customs;
(c) the Chief Constable;
(d) any other official authorized in that behalf by the Governor;

may detain, open and examine any package or article which he suspects to contain any publication or extract therefrom which it is an offence under the provisions of section 4 to import, publish, sell, offer for sale, distribute, reproduce, or possess, and during such examination may detain any person importing, distributing, or posting such package or article or in whose possession such package or article is found.

(2) If any such publication or extract therefrom is found in such package or article, the whole package or article may be impounded and retained by the officer and the person importing, distributing, or posting it, or in whose possession it is found, may forthwith be arrested and proceeded against for the commission of an offence under section 4 or section 5 as the case may be.
CHAPTER 54.

PUBLIC HEALTH ORDINANCE.

AN ORDINANCE RELATING TO PUBLIC HEALTH

1. This Ordinance may be cited as the Public Health Ordinance.

Part I

[11th August, 1894.]

GENERAL.

2. There shall be a Board of Health for the Colony composed of the following members:—

The Senior Medical Officer who shall be Chairman of the Board, the Government medical officers and such other members not exceeding five as shall be appointed annually by the Governor in Council, and it shall be lawful for the Governor from time to time to fill up any vacancy or vacancies which may occur during any year on the said Board.

3. The Board shall meet from time to time as may be necessary by order of the Governor, or on a summons from

[Note. Parts II, III and IV of this Ordinance are declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. I (D.S.).]
the Chairman, or in his absence the senior member present in Stanley.

4. At all meetings of the Board four members shall form a quorum for the transaction of business, and in the absence of the Chairman the senior member present shall preside; seniority being determined by the date and order of appointment as published in the Gazette.

5. Minutes of the proceedings of the Board shall be entered in a book kept for the purpose by the Chairman and a copy of the minutes shall be forwarded as soon as practicable to the Governor.

6. Any person who shall sell, offer for sale, store, expose or prepare for sale any article of food or drink intended for human consumption in any premises which are not kept properly cleaned, lighted, ventilated and drained, or in which the utensils and other implements used in the preparation, sale or storage of such food and drink are not kept properly cleansed to the satisfaction of the Board, shall commit an offence and shall be liable to a fine not exceeding £20 and to a further fine not exceeding £5 for each day during which the offence continues after conviction thereof:

Provided that this section shall not apply in the case of premises used solely for the sale or storage of food contained in containers of such materials, and so closed, as to exclude all risk of contamination.

7. Any person concerned in the preparation, storage or handling of articles of food and drink intended to be sold for human consumption who shall fail to take all reasonable and proper precautions to prevent such articles being exposed to infection or contamination shall commit an offence and shall be liable to a fine of £20 and to a further fine not exceeding £5 for each day during which the offence continues after conviction therefor.

8. (1) The Board may prohibit the importation of such articles of food or drink intended for sale for human consumption as it may deem fit and may vary or rescind such prohibition.
(2) Any person who shall sell, store, offer or expose for sale for human consumption any article of food or drink the importation of which has been prohibited shall commit an offence and shall be liable in the case of a first offence to a fine not exceeding £20 and in the case of a subsequent offence to a fine not exceeding £100.

9. (1) A medical officer or an inspector may at all reasonable times examine any article of food or drink intended for human consumption which has been sold, or is offered or exposed for sale, and if it appears to him to be unsound, unwholesome or unfit for human consumption he may seize and carry away the same and apply to the Court forthwith for an order for its destruction.

(2) An officer who seizes any article of food or drink under the preceding sub-section shall inform the person in whose possession it was found of his intention to have it dealt with by a Court, and any person who might be liable to a prosecution in respect thereof shall, if he attends before the Court upon the application for its condemnation, be entitled to be heard and to call witnesses.

(3) If it appears to a court that any article of food or drink is unsound, unwholesome or unfit for human consumption it shall condemn the same and make an order that it shall be destroyed or otherwise disposed of to prevent it being used for human consumption.

10. Any person who—

(a) sells, offers or exposes for sale or has in his possession for the purpose of sale or of preparation for sale any unwholesome food for human consumption;

(b) sells such food as pure and undulterated when it is adulterated or not pure;

shall commit an offence and shall be liable in the case of a first offence to a fine not exceeding £20, and in the case of a subsequent offence to a fine not exceeding £50 or to a term of imprisonment not exceeding 3 months or to both such fine and imprisonment:

Provided that it shall be a defence to a charge under (b) above that the defendant did not adulterate or render the
said article impure or was not party thereto and had no knowledge of the condition of the said article.

11. Proof that an article of food or drink was not sold, offered for sale, stored, exposed or prepared for sale for human consumption shall rest on the person charged.

12. The Governor may appoint inspectors to carry out the provisions of this Ordinance under the instructions of the Board. Any person wilfully obstructing an inspector in the execution of his duty shall commit an offence and shall be liable to a fine not exceeding £5.

13. The following shall, for the purpose of this Ordinance, be deemed to be nuisances:

Any building, house, yard or premises in or about which any deposit or collection, fluid or otherwise, so foul or in such a state as to be injurious to health, shall be allowed to remain.

Any pool, ditch, gutter, watercourse, pig-stye, stable, cowhouse, sheep or goat pen, fowl-house, poultry yard, privy, urinal, cesspool, drain, ashpit or dung heap, so foul or in such a state as to be injurious to health.

Any animal so kept as to be a nuisance or injurious to health.

Any house so overcrowded with residents as to be injurious to the health of the inmates.

Any accumulation or deposit, fluid or otherwise, so foul or in such a state as to be injurious to health.

Any factory, workshop or other place not kept in a clean and perfectly sanitary condition.

Any cistern, well, pool, channel, barrel, tub, or other vessel used for the supply of water for domestic purposes so placed, constructed or kept as to render the water liable to contamination thereby causing, or being likely to cause, injury to health.
14. The Board shall, if satisfied of the existence of a nuisance, serve a notice on the person by whose act, default or sufferance the nuisance continues, or if such person cannot be found on the owner or occupier of the premises on which the nuisance arises, requiring him to abate the same within a time specified in such notice, and to execute such works and do such things as may be necessary for the purpose:

Provided that where the nuisance arises from the want or defective construction of any structural convenience, or where there is no occupier of the premises, notice shall be served on the owner, and where the person causing the nuisance cannot be found and the nuisance does not arise or continue by the act, default or sufferance of the owner or occupier of the premises, the Board may abate the same.

15. (1) If the person upon whom a notice to abate a nuisance has been served makes default in complying therewith, or if the nuisance, although abated since the service of the notice, is in the opinion of the Board likely to recur on the same premises, the Board shall cause a complaint to be made to a justice, and the justice shall thereupon issue a summons requiring such person to appear before a court of summary jurisdiction.

(2) If a court is satisfied that a nuisance exists or may recur on the same premises it may make an order:

(a) that the owner or occupier comply with all or any of the requirements of a notice served by the Board or otherwise abate the nuisance within the time specified by the Board and to do any work necessary for the purpose;

(b) directing the execution of any work necessary to prevent a recurrence of the nuisance;

(c) both requiring abatement and prohibiting the recurrence of a nuisance.

(3) The Court may impose a penalty not exceeding £5 on the person on whom the order is made and may make an order for the payment of all costs up to the time of making the order under this section.
16. (1) Any person who fails without reasonable excuse to comply with an order of the Court to abate a nuisance, or knowingly and wilfully acts contrary to an order of prohibition shall commit an offence and shall be liable to a fine not exceeding £5 for each day during his default.

(2) Without prejudice to the provisions of subsection (1) of this section, where an order to abate a nuisance has not been complied with, the Board may abate the nuisance and recover the cost of so doing from the person in default.

17. (1) If the Board is satisfied that any premises used or intended to be used for human habitation or any part thereof is unfit for human habitation as being injurious to the health of any person inhabiting the same, the Board shall serve on the owner thereof a notice in writing requiring him to effect the repairs therein specified within the time therein mentioned.

(2) If a Court is satisfied that the premises in respect of which a notice under this section is served are unfit for human habitation, it may make an order prohibiting such premises from being used for human habitation until the works required by the said notice or such works as the Court shall deem fit have been executed.

(3) The Court may on completion of the said works to its satisfaction declare the premises to be fit for human habitation.

(4) Any person who fails, without reasonable excuse to comply with an order under this section shall be subject to the penalties provided for in section 16 hereof.

18. (1) The Board may with the approval of the Governor in Council make by-laws and from time to time amend or rescind by-laws so made with respect to the following matters:—

(i) The level, width and construction of new streets and the cleaning, drainage or sewerage thereof;

(ii) The structure of new buildings in any town or settlement, and the drainage, water closets, earth
closets, urinals, privies, ashpits and cesspools to be provided in the erection of such buildings;

(iii) The protection of water, the cleansing of water-courses, drains, ditches, streets, lanes and roads and the removal of noxious matter therefrom.

(iv) The keeping of animals in or near a dwelling-house so as to prevent their becoming a nuisance or injurious to health.

(v) The checking and preventing the spread of any contagious or infectious disease;

(vi) The carrying on of any offensive trade in any town or settlement so as to prevent or diminish the causes or injurious effects thereof;

(vii) The abatement or removal of nuisances;

(viii) The keeping of burial grounds and the proper interment of the dead;

(ix) The cleaning and keeping clean of lots of land, whether adjoining dwelling-houses or not;

(x) The cleansing and disinfecting of houses and buildings;

(xi) The inspection, drainage, accommodation and cleansing of common lodging-houses;

(xii) The inspection of shipping in the harbour of Stanley and the cleansing and disinfecting of the same;

(xiii) The protection of drains from injuries by cattle or otherwise;

(xiv) The removal or demolition of buildings so ruinous as to be dangerous to the public safety.

(xv) The securing of payment from parties in default of expenses incurred thereby by the Board under this Ordinance;

(xvi) Measures to prevent and mitigate disease and the protection of public health.
(2) Any person who commits any breach of, or neglects or fails to comply with, any by-law made under this section shall commit an offence and shall be liable to a fine not exceeding £5 for each offence and to a further fine not exceeding £2 for each day during which the offence continues after conviction therefor.

19. All expenses incurred by the Board in respect of work performed in the enforcement of the Ordinance or of any by-law made thereunder shall be recoverable by the Board in a summary manner before a Court.

20. In this Part of this Ordinance and any by-law made thereunder unless the context otherwise requires.

"The Board" means the Board of Health appointed under section 2 hereof;

"Inspector" means an inspector appointed under section 12 hereof;

"Contagious or infectious disease" means cholera, plague, yellow fever, small pox, typhus fever, enteric fever, scarlet fever, diphtheria, measles, whooping cough, chicken pox, dengue, influenza, erysipelas, puerperal fever, puerperal pyrexia, cerebro-spinal fever, acute poliomyelitis, tuberculosis, ophthalmia neonatorum, acute encephalitis lethargica, acute primary pneumonia, glanders, german measles, acute rheumatism, infective diarrhoea, impetigo contagiosa, acute influenzal pneumonia, ringworm in human beings and any other disease which from time to time may be so defined by the Board by notice in the Gazette.

Part II.
[28th April, 1868.]

Vaccination.

21. Every medical practitioner registered under the Medical Practitioners, Midwives and Dentists Ordinance or any Ordinance amending or replacing it shall be a public vaccinator for the purpose of this Ordinance and shall vaccinate all persons who shall be brought to him for that purpose, provided they are fit subjects for vaccination, subject to any regulations made under this Ordinance.
22. The father or mother of every child born in the Colony shall within three months after the birth of such child, or when by reason of the death, illness, absence or inability of the father or mother, or other cause, any other person shall have the custody of such child, such person shall within three months after receiving the custody of such child take it or cause it to be taken to a registered medical practitioner to be vaccinated.

23. Upon the same day in the week following the vaccination the parent or other person, as the case may be, shall again take the child, or cause it to be taken to a registered medical practitioner, that he may inspect it and ascertain the result of the operation, and if he sees fit take from such child lymph for the performance of other vaccinations, and in the event of the vaccination being unsuccessful such parent or other person shall, if the vaccinator so direct, cause the child to be forthwith again vaccinated and inspected as on the previous occasion.

24. Immediately after the successful vaccination of any child the registered medical practitioner shall deliver to the father or mother of the said child, or to the person having the custody of such child, a certificate in the form marked A in the First Schedule hereto, that the child has been successfully vaccinated, and such certificate shall, without further proof, be admissible as evidence of the successful vaccination of such child in any information or complaint which shall be brought against the father or mother of the said child, or such person as aforesaid, for non-compliance with the provisions of this Ordinance.

25. If the registered medical practitioner shall be of opinion that the child is not in a fit and proper state to be successfully vaccinated, he shall forthwith deliver to the parent or other person having the custody of such child a certificate in the form marked B in the First Schedule hereto, that the child is then in a state unfit for successful vaccination, which certificate shall remain in force for two months, and shall be renewable for successive periods of two months until the registered medical practitioner shall deem the child to be in a fit state for successful vaccination, when the child shall be vaccinated, and the certificate of successful vaccination duly given if warranted by the result, and at or before
the end of each successive period the parent or such person as aforesaid shall take or cause the child to be taken to the registered medical practitioner who shall then examine the child and give a certificate in the said Form B, so long as he deems requisite under the circumstances of the case, and the production of such certificate shall be sufficient defence against any complaint which may be brought against the father or mother or such person as aforesaid for non-compliance with the provisions of this Ordinance.

26. If the registered medical practitioner shall find that a child whom he had three times unsuccessfully vaccinated is insusceptible of successful vaccination, or that a child brought to him for vaccination has already had the small-pox, he shall deliver to the parent or other person as aforesaid a certificate in the form marked C in the First Schedule hereto. Such parent or person as aforesaid shall not then be required to cause the child to be vaccinated, and the production of such certificate shall be sufficient defence against any complaint that may be brought against the parent or other person for non-compliance with the provisions of this Ordinance.

27. The Registrar under the Registration Ordinance, shall, upon the registration of the birth of any child, give notice in the form marked D in the First Schedule hereto, to the father or mother or person having the custody of such child, requiring such child to be vaccinated according to the provisions of this Ordinance.

28. Every father or mother or other person having the custody of any child who shall without reasonable excuse neglect to take such child or cause it to be taken to be vaccinated, or after vaccination to be inspected according to the provisions of this Ordinance, shall commit an offence and be liable upon conviction to pay a penalty not exceeding twenty shillings.

29. Every registered medical practitioner who shall neglect or refuse to fill up and sign any certificate required of him by the provisions of this Ordinance, or who shall refuse to deliver the same to the parent or other person on request, shall be liable to pay, upon a summary conviction, a penalty not exceeding twenty shillings. Every person who shall
wilfully sign a false certificate under this Ordinance shall be guilty of a misdemeanour and be punished accordingly.

30. Every registered medical practitioner to whom a child has been brought for vaccination shall send to the Registrar within seven days thereafter in the case of a child presented for vaccination in Stanley or its suburbs, or within eight weeks in the case of a child presented for vaccination in any other place in the Colony, a certificate in the Form A, B or C in the First Schedule to this Ordinance as the case may be. Any medical practitioner who shall refuse or fail to do so shall be liable to a penalty not exceeding ten pounds unless reasonable grounds be shown for such failure.

31. The court may order that any child under the age of 14 years who has not been successfully vaccinated, or has not had small pox or has not been certified as insusceptible of successful vaccination, shall be vaccinated within such time as it may deem fit and the person against whom the order is made who fails to comply therewith shall, unless he shall satisfy the court that he had reasonable excuse for his omission, commit an offence and be liable to a fine not exceeding twenty shillings.

32. Any person who shall produce or attempt to produce in any person by inoculation with variolous matter, or by wilful exposure to variolous matter, or wilfully by any other means whatsoever, the disease of small-pox shall be guilty of an offence and shall be liable to be imprisoned for any term not exceeding two months.

Part III

[3rd October, 1908.]

QUARANTINE.

33. In this Part of this Ordinance and in any regulation made thereunder any term used having reference to communication with the shore, shall mean both direct and indirect communication with the shore, through or by means of communication with any ship or in any other way whatever
other than wireless telegraphy and the term "Health Officer" means the Senior Medical Officer or any person delegated by him or appointed by the Governor under this Part of this Ordinance.

34. The Senior Medical Officer shall have full power to superintend and enforce the carrying out of the provisions of this Part of this Ordinance, and the regulations for the time being in force relating to quarantine.

35. The Senior Medical Officer may, with the approval of the Governor, delegate in writing to some other person or persons all or any such powers as may be vested in him under this Part of this Ordinance and the regulations made thereunder.

36. The Governor may appoint such officers as may be necessary to enforce and carry out the provisions of this Part of this Ordinance, and the regulations made thereunder and all such officers shall be subject to the direction and control of the Senior Medical Officer.

37. The Governor may, whenever it appears necessary or expedient, provide one or more ships or buildings and cause such ships or buildings to be fitted up as observation stations and isolation hospitals for the purpose of observation and isolation of the sick.

38. The Governor may appoint suitable places for quarantine grounds and shall have power from time to time to change such places. Notice of every such appointment shall be published in the Gazette.

39. (1) The Governor in Council may make regulations—
   (a) For preventing the introduction of infectious or contagious diseases into the Colony;
   (b) For the control and management of observation and isolation stations;
   (c) For the prevention of illegal communication with or escapes from such stations and from ships not admitted to pratique;
   (d) For the prevention or mitigation of diseases at such stations.
(e) For supplies to persons placed there and the rates payable for such supplies;

(f) For the inspection of ships and persons leaving the ports of the Colony for places beyond the Colony, and for the prevention of the embarkation of any person suffering from any infectious or contagious disease;

(g) For the disinfection of any such ships, the crew and all persons, effects and clothes on board or to be embarked on board such ships;

(h) For the detention of any person found suffering or suspected to be suffering from any infectious or contagious disease and the prohibition of embarkation of any article likely to convey infectious or contagious disease which cannot be disinfected.

(i) And generally such other regulations as may be necessary to carry out the provisions of this Part of this Ordinance.

Such regulations may provide for the infliction of a fine not exceeding fifty pounds and imprisonment not exceeding three months for any breach or contravention thereof, and also for the seizure or destruction of any articles shipped or conveyed or attempted to be shipped or conveyed on board such ships in contravention of the said regulations.

(2) Until the Governor in Council makes regulations under this section, the regulations in the Second Schedule to this Ordinance shall be in force and shall be deemed for all purposes to be regulations made by the Governor in Council under this section.

40. On the arrival of any ship at any port of the Colony from a place beyond the Colony, any person other than the Pilot, Health Officer, Harbour Master or other person authorised by the Health Officer who shall leave or go on board or come into actual contact with the ship until she has been admitted to pratique shall commit an offence and be liable to a fine not exceeding fifty pounds.

41. Any person who obstructs or impedes or assists in obstructing or impeding any officer appointed under this Ordinance, or any police officer in the execution of this Part
of this Ordinance or of any regulations made thereunder shall be guilty of an offence against this Ordinance.

42. (1) Any person who commits an offence against this Part of this Ordinance or against any regulations made thereunder for which no penalty is prescribed, shall be liable on summary conviction to a fine not exceeding fifty pounds.

(2) A person convicted of any offence against this Part of this Ordinance or against any regulations made thereunder who is within a period of twelve calendar months convicted for a second or subsequent offence against this Ordinance or any such regulations, shall be liable to imprisonment for any term not exceeding two calendar months either in addition to or in lieu of a fine.

(3) Nothing in this section contained shall affect the liability of any person to any punishment or penalty to which he is liable at common law or under any enactment other than this Ordinance, but so that a person shall not be punished twice for the same offence.

43. Any officer appointed under this Ordinance, or any police officer may, without warrant, stop and detain a person committing or reasonably suspected of being engaged in committing an offence against this Part of this Ordinance or against any regulations made thereunder, and if his name and address are not known may without warrant apprehend him.

44. No person shall be entitled to claim from the Government or from any of its officers any damages or indemnity on account of any acts lawfully done in accordance with any of the provisions of this Part of this Ordinance, or any regulations made thereunder.

45. Any officer or person appointed to enforce the performance of quarantine under this Ordinance who shall desert from duty or shall infringe or knowingly suffer or permit any person to infringe any of the provisions of this Part of this Ordinance, or any regulations made thereunder, shall be liable on conviction to a penalty of not less than five pounds and not exceeding twenty-five pounds, and to immediate dismissal.
46. Notwithstanding anything in this Part of this Ordinance contained it shall be lawful for any ship ordered to a quarantine ground under the provisions of this Part of this Ordinance or any regulations made thereunder to put to sea again and enter the same port of the Colony instead of going into quarantine.

47. His Majesty's ships, and ships of war belonging to other nations, are subject to this Part of this Ordinance and the regulations made thereunder in the same way as merchant ships.

Part IV.

[26th October, 1931.]

Venereal Disease.

48. No person suffering from venereal disease, to wit, syphilis, gonorrhæa or soft sores, shall disembark in the Colony from any vessel arriving from overseas, or from the Dependencies except with the permission of the Governor, which permission shall be subject to such terms, conditions and restrictions as to isolation and treatment as the Governor may prescribe on the advice of the Senior Medical Officer.

49. Any person who has disembarked in the Colony from a vessel arriving from overseas or from the Dependencies and who is found not later than one month from the date of having so disembarked to be suffering from venereal disease as aforesaid shall be granted permission to remain in the Colony subject to such terms, conditions and restrictions as to isolation and treatment as the Governor may prescribe on the advice of the Senior Medical Officer provided that the terms, conditions and restrictions so prescribed are of a nature similar to that of those which might have been prescribed under the provisions of the preceding section of this Ordinance.

50. Any person who wilfully contravenes or evades or attempts to contravene or to evade any of the provisions of this Part of this Ordinance or who aids or abets any such contravention or evasion or attempted contravention or evasion shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding twenty pounds.
Part V.
[30th May, 1916.]

Hospital.

51. In this Part of this Ordinance:—

"Hospital" means the Public Hospital in Stanley known as "The King Edward VII Memorial Hospital".

52. The Senior Medical Officer shall be the Medical Officer and Surgeon to the Hospital, and the Hospital shall be under his care and management subject to the regulations for the Hospital and the directions of the Governor.

53. The Governor may appoint a Nurse Matron, and such other Nurses and Servants for the Hospital as he may think fit, who shall receive such salaries and allowances as the Legislative Council may provide with the sanction of the Secretary of State.

54. (1) There shall be a Visiting Committee for the Hospital to be appointed by the Governor from time to time for such period or periods as the Governor may think fit, consisting of not more than three persons not holding any appointment or employment under the Colonial Government. The Committee shall meet as often as they shall think fit and shall at all times have access to the Hospital and shall enter any suggestions they may have to make for the consideration of the Governor in a book to be kept at the Hospital for the purpose.

(2) The Governor shall appoint the Chairman of the Committee.

55. The Governor in Council may make, and from time to time vary, regulations for the admission, maintenance, treatment and discharge of patients, and for the general management and working of the Hospital.

FIRST SCHEDULE.

Form A.

I, the undersigned, being a (here insert nature of professional qualification), hereby certify, the child of, aged, of, in the district of, has been successfully vaccinated by me.

Dated this day of

(Signed)

Registered Medical Practitioner.
Form B.

I, the undersigned, being a (here insert nature of professional qualification), hereby certify my opinion that , the child of , in the district of , aged , is not now in a fit state to be successfully vaccinated, and I do hereby postpone the vaccination until the day of .

Dated this day of .

(Signed)

Registered Medical Practitioner.

Form C.

I, the undersigned, being a (here insert nature of professional qualification), hereby certify my opinion that , the child of , in the district of , is insusceptible of the vaccine disease.

Dated this day of .

(Signed)

Registered Medical Practitioner.

Form D.

I, the undersigned, hereby give you notice and require you to have vaccinated within three months after the birth, pursuant to the provisions of the Public Health Ordinance.

As witness my hand this day of .

(Signed)

Registrar.

SECOND SCHEDULE.

1. These regulations may be cited as "The Quarantine Regulations."

2. In these regulations:—

   "Infectious or contagious disease" means cholera, plague, yellow fever and small-pox.

   "Place" means any clearly defined portion of territory, such as an island, a port, a district, a parish, a town or a village.

   "Infected place" subject to the provisions of regulation 3, means a place where any infectious or contagious disease exists.

   "Infected ship" means (a) one on board of which a case of human plague is present, or broke out more than six days after embarkation, or on which plague-infested rats are found; or (b) one on board of which there is, or has been during the five days previous to the ship's arrival, a case of cholera; or (c) one on board of which there is, or was at the time of its departure or during the voyage, a case of yellow fever; or (d) one on board of which there is, or has been during the voyage, a case of small-pox.

   "Suspected ship" means (a) one on board of which a case of human plague broke out in the first six days after embarkation, or in which
investigations have shown an unusual and unexplained mortality among rats; or (b) one on board of which there has been a case of cholera at the time of departure or during the voyage, but no fresh case in the five days previous to arrival; or (c) one which arrives after a voyage of less than six days from an infected port or a port in close relation with an endemic centre of yellow fever, or arrives after a voyage of more than six days and there is reason to believe that it may transport adult steomyia (aedes egypti) emanating from the said port; or (d) one on board of which there has been during the voyage a case of small-pox, but no fresh case in the twelve days previous to arrival.

"Healthy ship" means a ship which, although having come from an infected place, has had on board no case of any infectious or contagious disease nor any rat plague either at the time of departure, or during the voyage, or on arrival, and the investigations regarding rats have not shown the existence of an unusual mortality, or if, on arriving after a voyage of more than six days from a place infected with yellow fever, it has no case of yellow fever on board, and either there is no reason to believe that it transports adult steomyia, or it is proved to the satisfaction of the Health Officer:—

(i) that the ship during its stay in the infected place was moored at a distance of at least 200 metres from the inhabited shore and at such a distance from harbour vessels as to make the access of steomyia improbable; or
(ii) that the ship at the time of departure was effectively fumigated in order to destroy mosquitoes.

"Observation" means isolation of passengers, either in a proper station provided for that purpose or on board ship prior to their obtaining free pratique. In the case of yellow fever the sick or those under observation who develop a temperature exceeding 99.2° Fahrenheit must be effectively screened from mosquitoes;

"Surveillance" means that passengers are not isolated. They receive free pratique at once and are allowed to proceed to their place of destination (the proper authority of which must be informed of their arrival) there to undergo medical supervision;

"Medical supervision" means that all persons under surveillance shall present themselves at such places and at such times for examination as the Health Officer may direct.

3. A place shall not be regarded as infected because of the existence thereat of imported cases of any infectious or contagious disease or because of the occurrence of a single non-imported case.

In determining whether a place is infected or not under the definition of "infected place" the second non-imported case necessary to render a place infected must occur within the respective periods mentioned in regulation 4.

4. A place shall cease to be regarded as infected if the Health Officer is satisfied that:—

(a) There has been no fresh case of plague or cholera within five days, of yellow fever within eighteen days, of small-pox within twelve days, of the isolation or of the death or recovery of the last case;