

Assented to in Her Majesty's name this 5th day of July, 1963.

Edwin Arrowsmith
Governor.



No. 5



1963

IN THE TWELFTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II.
SIR EDWIN ARROWSMITH, K.C.M.G.,
Governor.

An Ordinance

To amend the Matrimonial Causes Ordinance. Title.

[28th June, 1963] Date of commencement.

ENACTED by the Legislature of the Colony of the Falkland Islands as follows — Enacting clause.

1. This Ordinance may be cited as the Matrimonial Causes (Amendment) Ordinance, 1963, and shall be read as one with the Matrimonial Causes Ordinance, hereinafter referred to as the principal Ordinance. Short title. Cap. 44.

2. Section 5 of the principal Ordinance is hereby repealed and replaced by the following section — Replacement of section 5 of the principal Ordinance.

“Definition of care and treatment in relation to insanity.

5. (1) For the purposes of the preceding section a person of unsound mind shall be deemed to be under care and treatment —

- (a) while he is detained in pursuance of any order made under the provisions of the Mental Treatment Ordinance; or
- (b) while he is receiving treatment for mental illness as a resident in a hospital or other institution provided, approved, licensed, registered or exempted from registration by any Minister or other authority in the United Kingdom, the Isle of Man or the Channel Islands; or
- (c) while he is receiving such treatment as a resident in a hospital or other institution in any other country outside the Colony being a hospital or institution in which his treatment is comparable with the treatment provided in any such hospital or institution as is mentioned in paragraph (b) of this subsection.

(2) For the purposes of the foregoing subsection a certificate by the Admiralty or a Secretary of State that a person was receiving treatment for mental illness during any period as a resident in any naval military or air-force hospital under the direction of the Admiralty, the Army Council or the Air Council shall be conclusive evidence of the facts certified.

(3) In determining for the purposes of section 4 of the principal Ordinance whether any period of care and treatment has been continuous, any interruption of such a period for twenty eight days or less shall be disregarded."

Addition of new section to the principal Ordinance.

3. The principal Ordinance is hereby amended by the insertion of the following section as section 5A —

"Power of Court to treat desertion as continuing during period of incapacity.

5A. For the purposes of any petition for divorce or judicial separation the Court may treat a period of desertion as having continued at a time when the deserting party was incapable of continuing the necessary intention, if the evidence before the Court is such that, had he not been incapable the court would have inferred that that intention continued at that time."

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.



Clerk of the Legislative Council.

Ref. 17/38.