

# LEGISLATIVE COUNCIL.

No. S. 55.—The following Bills were read a first time at a Meeting of the Council held on the 9th March, 1911 :—

## A BILL.

ENTITLED

An Ordinance to prohibit the use of Dynamite or other Explosives for the purpose of catching or destroying Fish.

BE it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows :—

Short title. 1. This Ordinance may be cited as "The Fisheries (Dynamite) Ordinance, 1911".

Prohibition of the use of dynamite in Colonial waters. 2. Any person who uses dynamite or other explosive substance to catch or destroy fish in the Colonial waters shall be liable on summary conviction either to a fine not exceeding two hundred dollars, or, in the discretion of the Court, to be imprisoned, with or without hard labour, for a term not exceeding two months.

### Memorandum.

This bill prohibits the use of dynamite or other explosives in the waters of the Colony for the purpose of catching or destroying fish.

W. REES DAVIES,  
*Attorney General.*

## A BILL.

ENTITLED

An Ordinance to amend the Police Force Ordinance, 1900.

BE it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows :—

Short title and construction. 1. This Ordinance may be cited as "The Police Force Amendment Ordinance, 1911", and it shall be read and construed as one with the Police Force Ordinance, 1900, hereinafter called the Principal Ordinance.

Amends sub-section (1) of section 22 of the Principal Ordinance. 2. Section 22 sub-section (1) of the Principal Ordinance is hereby amended by—  
(a.) the addition after the figures "19" in the fifth line thereof of the words "or breach of discipline, or insubordination";  
(b.) the deletion of the words "and, in default of payment thereof," in the eleventh line thereof and by the substitution of the word "or".

Amends sub-section (1) of section 23 of the Principal Ordinance. 3. Section 23 sub-section (1) of the Principal Ordinance is hereby amended by—  
(a.) the addition of the words "sergeant or" after the word "any" in the second line thereof;  
(b.) the deletion of all the words after the word "dollars" in the fourth line thereof.

### Objects and Reasons.

The object of section 23 was evidently to give summary powers to the Captain Superintendent and Deputy Superintendent of Police. The latter part of the section was practically unnecessary as almost every case that could arise under it could be dealt with under section 22. Section 22 is amended by transferring the effect of the latter part of section 23 (1) to it and making the sentence uniform. The Captain Superintendent of Police no longer desires to have the power to award imprisonment. These powers have consequently been abolished and he has been given a power, which he desires, to impose small fines on sergeants or constables for breaches of discipline or neglect of duty.

W. REES DAVIES,

A BILL

ENTITLED

An Ordinance to amend and codify the law as to Common Forms and as to the Interpretation of Terms used in Ordinances.

*References to Ord. 8 of 1897, and to the Mauritius Ordinance where necessary.*

BE it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows:—

- Short title. 1. This Ordinance may be cited as the " Interpretation and Common Form Ordinance, 1911 ", or more shortly as the " Interpretation Ordinance, 1911 ".
- Application of the Ordinance. 2. This Ordinance shall apply to the Colony of Hongkong including the New Territories unless it is otherwise expressed. New. M. 1.

PART I.

*Of Ordinances Generally.*

- Application of subsequent Ordinances. 3. All Ordinances hereafter to be passed shall apply to the Colony of Hongkong and to the New Territories unless it appear from express provision or by necessary implication that any Ordinance is not intended to apply to the New Territories. New. M. 2.
- Application of provisions of Ordinance. 4. The provisions of this Ordinance shall apply New. M. 3.
  - (a.) to this Ordinance and to all Ordinances hereafter to be passed, unless the contrary intention appear :
  - (b.) to existing Ordinances unless otherwise expressly herein provided.
- Commencement of this Ordinance. 5. This Ordinance shall come into operation on the day of 1911.
- Form of suspending clause. 6. Where any Ordinance contains a suspending clause, it shall be in the following form, or words shall be used to the like effect :—
 

"This Ordinance shall not come into operation unless and until the Governor notifies, by Proclamation, that it is His Majesty's pleasure not to disallow the same, and thereafter it shall come into operation on such day as the Governor shall notify by the same or any other Proclamation". § 27.
- Commencement of Ordinances. 7. The expression "commencement" when used with reference to any enactment shall mean the day on which the enactment comes into operation. § 17 (1).
- Time of commencement. 8. Where any Ordinance or other enactment, or any proclamation, notice, order, warrant, scheme, letters patent, rule, regulation, or bye-law, made, granted, or issued, under a power conferred by any Ordinance, or by any other competent authority, is expressed to come into operation on a particular day, the same shall be construed as coming into operation on the expiration of the previous day. § 17 (2).
- Exercise of statutory powers between passing and commencement of Ordinance. 9. Where any Ordinance is not to come into operation immediately on the passing thereof and confers power to make any appointment, to make, grant, or issue any instrument, that is to say, any Order-in-Council, order, warrant, scheme, letters patent, rules, regulations, or bye-laws, to give notice, to prescribe forms, or to do any other thing for the purposes of the Ordinance, that power may, unless the contrary intention appear, be exercised at any time after the passing of the Ordinance, so far as may be necessary or expedient for the purpose of bringing the Ordinance into operation at the date of the commencement thereof; subject to this restriction that any instrument made under the power shall not, unless the contrary intention appear in the Ordinance, or the contrary is necessary for bringing the Ordinance into operation, come into operation until the Ordinance itself comes into operation. § 35.

Citation of Ordinances.

10. In all Ordinances there shall be "a short title" and in all references to Ordinances in any other enactment or in any legal document it shall be sufficient, but not essential, to mention the "short title" thereto, together with the number of the section referred to.

Where however the "short title" is not used, it shall be lawful to indicate any Ordinance referred to as aforesaid by the serial number of the year in which it was passed, together with such year, and the number of section referred to, as renumbered in Sir John Carrington's Revised Edition of the Laws of Hongkong, and in the New Edition of such Revised Laws hereafter to be published after such New Edition has been declared by the Council to be the only authorised version of the Laws of Hongkong.

§ 24 (1) with new matter and 24 (2).

Where such reference includes the description or citation of a portion of another Ordinance it shall, unless the contrary intention appear, be construed as including the word, article, or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

PART II.

*Of Repeals.*

Effect of repeal on existing proclamations and regulations.

11.—(1.) Where any Ordinance repeals wholly or in part any former enactment and substitutes other provisions therefor, the repealed enactment shall remain in force until the substituted provisions come into operation.

§ 10.

(2.) Where any Ordinance, or any part of an Ordinance, is repealed, all proclamations, orders, notices, rules, and regulations, issued or made in virtue thereof shall remain in force, so far as they are not inconsistent with the provisions of the repealing Ordinance, and unless the contrary intention appear, until they shall have been repealed or replaced by proclamations, orders, notices, rules or regulations, as the case may be, issued or made under the provisions of the said repealing Ordinance.

New. M. 10.

Effect of repeal generally.

12. The repeal of any enactment shall not, unless the contrary appear—

§ 11.

- (a.) revive anything not in force or existing at the time at which the repeal takes effect; or
- (b.) affect the previous operation of any enactment so repealed, or anything duly done or suffered under any enactment so repealed; or
- (c.) affect any right, privilege, obligation or liability acquired, accrued, or incurred under any enactment so repealed; or
- (d.) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or
- (e.) affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid;

and any such investigation, legal proceeding, or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing Ordinance had not been passed.

Provided that where the penalty, forfeiture or punishment imposed by the repealed Ordinance is heavier than that imposed by the repealing enactment, the lighter punishment may be inflicted if the Court decides to inflict any punishment.

New. M. 11.

Repeal of Ordinances.

13. When any Ordinance which repeals in whole or in part any earlier Ordinance is itself repealed, such last repeal shall not be construed as reviving the enactment previously repealed, unless such revival be expressly enacted.

§ 9.

References to re-enacted provisions.

14. Where any Ordinance repeals and re-enacts, with or without modification, any provisions of a former Ordinance, references in any other Ordinance to the provisions so repealed, shall, unless the contrary intention appear, be construed as references to the provisions so re-enacted.

§ 37.

Reference to re-enacted Acts of Parliament. **15.** Where any statute of the Imperial Parliament New. repeals and re-enacts, with or without modification, any provisions of a former statute of the Imperial Parliament, references in any Ordinances to the provisions so repealed, shall, unless there is any provision in the repealing statute from which the contrary intention shall appear, be construed as references to the provisions so re-enacted.

Operation of amending Ordinances. **16.** Any Ordinance which amends, repeals, or adds to, New. M. 14. the provisions of a former Ordinance shall, unless the contrary intention appear, be read and construed as forming part of the Ordinance so affected.

Disallowance. **17.** Whenever any enactment shall be disallowed by New. M. 15. His Majesty, such disallowance shall be notified by Proclamation of the Governor; and from and after the date of such notification, the enactment, and all proclamations, orders, notices, rules, regulations, or other like documents made thereunder shall cease to have effect.

Provided always that the provisions of section 12 shall apply to such disallowance as if the words "disallowance" and "disallowed" were read therein in lieu of the words "repeal" and "repealed"; with this exception only, that any enactment repealed, modified, or amended by any enactment disallowed, together with all proclamations, orders, notices, rules, regulations, or other like documents made under such previous enactment, shall revivie and continue in force in their original form as from the date of of the said proclamation.

The expression "disallowance" shall include the signification of His Majesty's pleasure not to allow any Ordinance.

PART III.

*General Provisions.*

Ordinances to be public. **18.** Every Ordinance shall be a public Ordinance, and shall be judicially noticed as such, unless the contrary is expressly provided by the Ordinance. § 2 with § 22 modified.

Amendment or repeal of Ordinances in same session. **19.** Any Ordinance may be altered, amended, or repealed, in the same session of the Legislative Council as that in which it has been passed. § 23.

Sections to be substantive enactments; Schedules, etc., to be part of Ordinances. **20.** Every section of an Ordinance shall have effect as a substantive enactment without introductory words. New. M. 16.

**21.** Every schedule or Table to or in any Ordinance, shall, together with any notes thereto, be construed and have effect as part of the Ordinance. § 25 (2).

Sub-divisions of Ordinances to be recognised. **22.** Where an Ordinance is divided into Parts, Chapters, Titles, or other divisions, the fact and particulars of such division shall, with or without express mention thereof in such Ordinance, be taken notice of in all Courts and for all other purposes, whether by way of reference or other, whatsoever. § 26.

References to the Sovereign. **23.** References to the Sovereign reigning at the time of the passing of any Ordinance, or to the Crown, shall, unless the contrary intention appear, be construed as references to the Sovereign for the time being. § 25.

Ordinances not binding on Crown unless expressed. **24.** No Ordinance shall be binding on the Crown, or shall in any manner affect the rights of the Crown, unless it is so provided in express terms. § 29 modified.  
This Ordinance shall be binding on the Crown.

Construction of provisions as to exercise of powers and duties. **25.** Where any Ordinance confers a power or imposes a duty, then unless the contrary intention appear, the power may be exercised and the duty shall be performed from time to time as occasion requires. § 34.

Construction of references to public officers. **26.—(1.)** Where reference is made to any public officer by the term designating his office, such term shall include the officer for the time being executing the duties of such office, as well as such other officer as may be appointed to perform any portion of such duties. § 36.

Construction of provisions granting powers to public officers. (2.) Where any Ordinance confers a power or privilege, § 34 (1) & or imposes a duty on the holder of any office as such, then, (2). unless the contrary intention appear, the power may be exercised and the duty shall or may be performed, as the case may be, by the holder of the office for the time being, or by any officer appointed to act in, or perform the duties of, the said office for the time being.

Construction of references to other enactments: 27.—(1.) When reference is made in any enactment to the numbers of any series of sections of any enactment, or to any part of any enactment, the reference shall be held to be inclusive of the sections or words mentioned in the reference. New. M. 13 (2).

and to a series of days. (2.) When any particular number of days or hours is prescribed for the doing of any act or for any other purpose, the same shall, unless the contrary intention appear, be reckoned exclusive of the first and inclusive of the last day or hour. § 7.

Measurement of distances. 28. In the measurement of any distance for the purposes of any Ordinance that distance shall, unless the contrary intention appear, be measured in a straight line on a horizontal plane. § 31.

References to time. 29.—(1.) Whenever any expression of time occurs in any enactment or in any legal document, the time referred to shall, unless the contrary intention appear, be held to be standard time. § 32.  
 (2.) The expression "a.m." indicates the period between midnight and noon on the day succeeding; and the expression "p.m." indicates the period between noon and the midnight following; and where in any enactment two such expressions occur conjunctively in relation to any specified hours, they shall be construed to relate to consecutive periods of time. New.

Meaning of service by post. 30. Where any Ordinance authorises or requires any document to be served by post, whether the expression "serve", or "give", or "send", or any other expression is used, then, unless the contrary intention appear, the service shall be deemed to be effected by properly addressing, pre-paying, and posting a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post. § 21.

Meaning of writing. 31. In any enactment expressions referring to writing shall include, unless the contrary intention appear, printing, lithography, photography, type-writing, and every other mode of representing words or figures in a visible form. § 18.

Meaning of "oath", "affidavit" and "swear". 32. In all Ordinances, unless the contrary intention appear, the words "oath" and "affidavit" include, in the case of persons allowed or required by law to declare or solemnly affirm instead of swearing, "declaration" and "solemn affirmation"; and "swear" in the like case, includes "declare" and "solemnly affirm". § 8.

Use of Chinese expressions in Ordinances. 33. Where in any enactment Chinese terms or expressions are used, or where English words are used, followed, in brackets or otherwise, by Chinese terms or expressions, whether in Chinese characters or not, the Chinese term or expression shall be held to be included in the enactment, and the English words, if any, shall be held to be the equivalent of the Chinese term or expression. New; based on M. 26.

Meaning of "or" "other" "otherwise". 34. Where the words "or", "other", and "otherwise" are used, they shall, unless the contrary intention appear, be construed disjunctively and not as implying similarity, unless the word "similar", or some other word of like meaning, is added. § 19.

Meaning of "person" in Criminal Ordinances. 35. In the construction of every Ordinance relating to an offence punishable on indictment or on summary conviction, the expression "person" shall, unless the contrary intention appear, include a body corporate. § 4 (1).

Masculine words and words in the singular. 36. In all enactments, unless the contrary intention appear, words importing the masculine gender shall include females, and words in the singular shall include the plural, and words in the plural shall include the singular. § 3 (1).

Effect of notices in *Gazette*.

37. Where in any Ordinance any notice order or other document is required to be published in the *Gazette*, a copy of the *Gazette* in which it is so published, shall be evidence of the facts stated in such notice, order, or document. § 36 (1) e.

Application of fees fines and forfeiture.

38. Where under any enactment any person is required to pay any fee or is adjudged to pay or forfeit any sum of money, it shall be paid into the Treasury, unless the contrary is expressed; and where any thing or any animal is adjudged to be forfeited, it shall be forfeited to the Crown, and the net proceeds thereof, if it is ordered by competent authority to be sold, shall be paid into the Treasury. New. M. 45 in part.

#### PART IV.

##### *Definitions.*

Definitions.

39. In all enactments the following words shall have the meanings hereby assigned to them, unless the context otherwise requires:—

##### *A.—Official Definitions.*

Official definitions.

“Governor” means the Governor of Hongkong and shall include the Officer for the time being administering the Government; and where the Governor of Hongkong is not intended— § 5 (1) with 15 (8).

“Governor” means, as respects Australia, Canada, India and United South Africa, the Governor General, and includes any person who for the time being has the power of the Governor General; and as respects any other British possession, means the Governor or Administrator of that possession, and includes the Officer for the time being administering the Government of that possession. New. M.

“Governor-in-Council”, or “Governor in Executive Council”, means the Governor acting with the advice of the Executive Council. § 5 (2).

“Officer Administering the Government” means the Officer who succeeds to or is appointed to the administration of the Government of the Colony, in accordance with the Letters Patent of 14th October, 1903, or any others which may be substituted therefor. New. M.

“Secretary of State” means one of His Majesty’s Principal Secretaries of State for the time being. § 12 (1).

“Crown Agents” means the person or persons for the time being acting as Crown Agents for the Colonies in England, or any one of them. New. M.

“The Admiralty” means the Lord High Admiral of the United Kingdom for the time being, or the Commissioners for the time being executing the Office of Lord High Admiral of the United Kingdom. § 12 (2).

“Privy Council” means the Lords and others for the time being of His Majesty’s Most Honourable Privy Council. § 12 (3).

“Board of Trade” means the Lords and others of the Committee for the time being of the Privy Council appointed for the consideration of matters relating to trade and foreign plantations. § 12 (4).

“Imperial Parliament”, and “Parliament”, mean the Parliament of the United Kingdom. § 15 (3).

“Consul” and “Consular Officer” include, consul-general, consul, vice-consul, consular agent, and any person for the time being authorised to discharge the duties of consul-general, consul or vice-consul. § 12 (5).

- “Legislative Council” and “Legislature”, mean the Council of Government of Hongkong created by the instructions passed under the Royal Sign Manual and Signet on the 7th July, 1896, and when used with reference to a British possession other than Hongkong, the authority, other than the Imperial Parliament, or His Majesty the King in Council, competent to make laws for such British possession. § 15 (9) with new matter.
- “Chinese Authorities” means any officer of the Chinese Government acting on behalf of such Government and recognised as such by the Government of the Colony. § 5 (6).
- “Public Office” and “Public Department” mean and include every officer or department invested with or performing duties of a public nature, whether under the immediate control of the Governor or not. § 5 (8).
- “Emigration Officer” means and includes every person lawfully acting as emigration officer, emigration agent, or protector of emigrants in the Colony. § 5 (10).
- “The Treasury” and “Treasurer” mean the Colonial Treasury and the Colonial Treasurer respectively. New.
- “Justice of the Peace” means a person appointed by the Governor to act as Justice of the Peace for the Colony.

*B.—Colonial Definitions.*

Colonial definitions.

- “Colony” means the Colony of Hongkong, and includes the New Territories unless it appear from express provision or by necessary implication that the New Territories is not intended. § 5 (3).
- “The New Territories” mean the additional territories acquired by this Colony under the Convention dated the 9th day of June, 1898, between Her late Majesty Queen Victoria and His Majesty the Emperor of China for the enlargement of the limits of this Colony including the City of Kowloon. Ord. No. 34 of 1910.
- “New Kowloon” means that portion of the New Territories which is delineated and shewn upon a plan marked “New Kowloon” signed by the Director of Public Works and countersigned by the Governor and deposited in the Land Office of this Colony.
- “City of Victoria”, or “Victoria”, means the area of Hongkong within the boundaries indicated by Ordinance No. 20 of 1903.
- “Harbour” means the harbour of Victoria. § 5 (5).
- “Waters of the Colony” or “Colonial Waters” mean the navigable waters within the jurisdiction of the Government of this Colony. § 5 (4).

*C.—Geographical Definitions.*

Geographical definitions.

- “United Kingdom” means the United Kingdom of Great Britain and Ireland. § 15 (1).
- “British Islands” means the United Kingdom, the Channel Islands and the Isle of Man. § 15 (2).
- “British Possession” means any part of His Majesty’s Dominions exclusive of the United Kingdom: and where parts of such Dominions are under both a central and a local Legislature, all parts under the central Legislature shall, for the purpose of this definition, be deemed to be one British possession. § 15 (4).
- “British Colony” or “Colony” means, where the Colony of Hongkong is not intended, any part of His Majesty’s Dominions exclusive of the United Kingdom and of British India: and where parts of such Dominions are under both a central and a local Legislature, all parts under the central Legislature shall, for the purposes of this definition, be deemed to be one Colony. § 15 (5).

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“India” means British India together with any territories of any Native Prince or Chief under the suzerainty of His Majesty exercised through the Governor General of India or other officer subordinate to the Governor General of India. § 15 (7).

*D.—Judicial Definitions.*

Judicial definitions.

“High Court” means, when used with reference to England or Ireland, His Majesty’s High Court of Justice in England or Ireland, as the case may be. § 13 (1).

“Court of Assize” or “Assizes”, means, as respects England, Wales, and Ireland, a Court of Assize, a Court of Oyer and Terminer, and a Court of Gaol Delivery, or any of them, and as respects England and Wales, includes the Central Criminal Court; and, as respects Hongkong, means the Supreme Court sitting in its criminal jurisdiction. § 13 (2).

“Supreme Court” means the Supreme Court of Hongkong. § 13 (3).

“Probate Court” means, as respects Hongkong, the Supreme Court sitting in its probate jurisdiction. New.

“Bankruptcy Court” means, as respects Hongkong, the Supreme Court sitting in its bankruptcy jurisdiction. New.

“Colonial Court of Admiralty” means, as respects Hongkong, the Supreme Court sitting in its Admiralty jurisdiction. New.

“Court” means the Supreme Court as well as any other Court of the Colony. New.

“Magistrate” means a Police Magistrate of the Colony: § 5 (9).

“Judge” means any Judge of the Supreme Court; and where any civil jurisdiction is required to be exercised by a Judge, such jurisdiction, if it is not otherwise expressed, shall be exercisable by a Judge sitting in Chambers. New. M.

“Court or Judge” implies, where jurisdiction is required to be exercised by a Court or Judge, that such jurisdiction shall be primarily exercised by a Judge in Chambers, unless such Judge directs that it shall be exercised in open Court. New. M.

“Rules of Court” means, when used in relation to any Court, rules made by the authority having for the time being power to make rules and orders regulating the practice and procedure of such Court, together with the forms necessary thereto. § 14 (1) & (2).

The power of the said authority to make rules of Court as above defined shall include a power to make rules of Court for the purpose of any Ordinance hereafter to be passed directing or authorising anything to be done by rule of Court.

“Police Constable” or “Constable” means any constable of the Police Force, and includes special constables. New.

“Offence” means any crime, misdemeanor, or other breach of the law for which a penalty is provided. New. M.

“Committed for trial” means when used in relation to any person, unless the contrary intention appear, committed to prison with the view to his being tried before a Judge and Jury, or otherwise as the law directs; and includes a person who is admitted to bail upon recognizances to appear and take his trial before a Judge and Jury, or otherwise. New. M.



*F.—General Definitions.*

General definitions.	<p>“Gazette” means the Government Gazette of § 5 (7). Hongkong.</p> <p>“Proclamation” means, as respects Hongkong, a New. proclamation of the Governor.</p> <p>“Definition” means the interpretation to be given New. M. to words or expressions used in the Ordinance or part of an Ordinance to which such inter- pretations are declared to be applicable; and the words or expressions are to have in such Ordinance or part of an Ordinance, and in any rules, regulations, orders, or other documents made thereunder, the meanings assigned to them unless inconsistent with the context.</p> <p>“Month” means calendar month, unless it appears § 5 (14). from the context that lunar month, or Chinese “moon” is intended.</p> <p>“Year” means a year according to the Georgian New. Calendar, unless it appears from the context that a Chinese year is intended.</p> <p>“Person”, and words applied to any person or § 5 (12) <i>cf.</i> individual, shall apply to and include, subject 4 (1). only to the provisions of section 35, corpora- tions, companies, joint tenants and tenants in common, and communities lay or religious.</p> <p>“Statutory Declaration” means, unless the con- § 20. trary intention appear, a declaration made by virtue of the Statutory Declarations Act, 1835, or of the Statutory Declaration Ordinance, 1893.</p>
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PART V.

*Of Regulations, Forms, and other matters.*

Extent of power to make regulations.	<p>40.—(1.) Where any Ordinance confers a discretionary § 36 (1) a. power to make regulations, to issue any order, or to do any act, the power shall, unless the contrary intention appear, be construed as including the power, exercisable in like manner, and subject to the same conditions, if any, to amend, vary, rescind, revoke, or suspend the regulations made, or order issued, or any part thereof, or to abstain from doing the act.</p>
Meaning of “regulation”	<p>(2.) “Regulations” means both in this section, and § 36 (2) with generally in this Ordinance, regulations, rules and bye-laws, § 36 (1) c. not inconsistent with the provisions of the Ordinance under which they are made, and includes rules of Court.</p>
Publication.	<p>(3.) All regulations shall come into force on the day of § 36 (1) d their publication in the <i>Gazette</i>, and not before, and shall with new have the same force and effect and be equally binding, matter. and shall be construed as if they had been contained in Ordinance empowering them to be made.</p>
Other documents.	<p>(4.) The same rule shall apply to any order made by the New. Governor-in-Council, any order, warrant, scheme, letters patent, or other instrument made or issued under the provisions of any Ordinance.</p>
Forms in repealed Ordinances.	<p>41. All forms in use under any Ordinance repealed by New. M. 33. any subsequent Ordinance, and which are not replaced by forms in the repealing Ordinance, shall remain in force so far as they are not inconsistent with its provisions, until they have been replaced by forms prescribed in accordance with any of the provisions of this Ordinance.</p>

PART VI.

*Of Proclamations and Orders of the Governor.*

Coming into force of proclamations.	<p>42. Proclamations of the Governor shall come into New. M. 33. operation on the date of their publication in the <i>Gazette</i>.</p>
Extent of power to issue proclamations.	<p>43. Where power is given to the Governor to issue a New. M. 34. proclamation, it shall include the power of amending, revoking, or suspending the said proclamation, and also of substituting another therefor.</p>

Provided always that where any Ordinance is to come into force on a day to be fixed by proclamation, the power to issue such proclamation shall not include the power of amending, revoking or suspending the same. New.

Signification of orders of the Governor. **44.** Where power is given to the Governor to make any order or give any direction, it shall be sufficient for such order or direction to be signified under the hand of the Colonial Secretary or of the Assistant Colonial Secretary. New. M. 36.

This section shall not apply to the issue of any warrant by the Governor.

**PART VII.**

*Miscellaneous Provisions.*

Citation of Imperial Acts. **45.—(1.)** In any Ordinance, instrument, or document, any Act of the Imperial Parliament may be cited by reference to its "short title", if any, either with or without a reference to the chapter, or by reference to the regnal year in which it was passed, and, where there are more statutes or sessions than one in the same regnal year, by reference to the statute or the session, as the case may require, and where there are more chapters than one, by reference to the chapter, and any enactment may be cited by reference to the section or sub-section of the Act in which the enactment is contained. § 39 (1).

(2.) Where any Ordinance passed after the 18th day of November, 1897, contains such reference as aforesaid, the reference shall, unless the contrary intention appear, be read as referring, in the case of statutes included in any revised edition of the statutes purporting to be printed by authority, to that edition; and in case of statutes not so included, and passed before the reign of King George the First, to the edition prepared under the direction of the Record Commission; and in other cases to the copies of the statutes purporting to be printed by the King's Printer or under the superintendence or authority of His Majesty's Stationery Office. § 39 (2).

(3.) In any Ordinance a description or citation of a portion of an Act of Parliament shall, unless the contrary intention appear, be construed as including the word, section, or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation. § 39 (3).

Repeal. **46.** The following Ordinances are repealed:— New.  
Ordinance No. 8 of 1897.  
Ordinance No. 20 of 1908.

*Objects and Reasons.*

A revision of the laws in order to be satisfactory must be accompanied by a complete Interpretation and Common Form Ordinance, which should not only lay down certain guiding principles governing the language used in legislation and the forms of certain sections which are recurrent, but must also apply them to existing Ordinances.

The main criticism which I have to make on the existing Interpretation Ordinance, No. 8 of 1897, is that it divides legislation into two classes, that passed prior to the date of its coming into force, and that passed afterwards. This follows the English Interpretation Act of 1889; but there was a definite reason for doing this at home. That Act is a piece of legislation simply, and acts as a guide to the Courts in interpreting existing legislation, and a guide to the Parliamentary draftsman in his future work. The greatest care was required in dealing with the enormous bulk of the English statutes; but the reasons which guided the draftsman of our Ordinance and induced him to split it up into "Existing Interpretations", "Existing Rules of Construction", "New Interpretations", and "New Rules of Construction" is not always very apparent, and has in one case caused serious difficulty, leading to No. 20 of 1908 being passed. It is most bewildering, and diminishes the practical utility of the Ordinance. But directly Revision is taken in hand these sub-divisions become worse than useless, and unmanageable. It must be borne in mind that the English statutes have never been systematically "revised". A good deal has been done by means of "Statute Law Revi-

sion Acts", but it is intermittent, and fragmentary, and it is admitted that it is lamentably incomplete. I have it on the best authority that there are certain obstructionists in this matter who do all in their power to prevent even the Law Revision Commission from further using their pruning knife on the Statute Book. Therefore the sixteen or twenty volumes known as the "Statutes Revised", although published "By authority", are no more than an edition of the statutes which give the results of (i) amending legislation generally, and (ii) of the Statute Law Revision Acts so far as they go, which is not every far.

But in dealing with the laws of a Colony, first, the bulk of legislation which has to be pruned is inconsiderable compared with the English Statute Book, and therefore the revision can be complete. Secondly, and consequently, the necessity for the sub-division of the Interpretation Ordinance, which follows that of the English Act, into the heads above indicated, does not exist, and there is no reason why the principles of interpretation which it lays down should not be applied by a Law Revision Ordinance to existing legislation, and thus uniformity throughout the whole of the laws can be obtained. A simple example will make this clear.

By section 34 of the existing Interpretation Ordinance it is provided that where an Ordinance "confers a power, then, unless the contrary intention appears, the power may be exercised from time to time as occasion requires". The object of this is to render unnecessary the words "from time to time" in future legislation, in connexion, for example, with the power to make rules under any Ordinance. Now, to show how useless the Ordinance has been, owing to the fact probably that it is unsystematic, this simple principle is often forgotten. The provision applies to Ordinances passed after 1897, yet I open Volume II at random, and I find in the Rating Ordinance of 1901, the words "from time to time" used in section 39 and section 40, where they are clearly unnecessary.

The reason for limiting the rule to future legislation is hard to discover. It is a rule of common sense, and one probably which the Courts would have devised for themselves.

The same remark applies to practically all the simple rules of construction. Therefore in this proposed Ordinance I have made them general, and they will be acted on by means of general provisions embodied in a Law Revision Ordinance which authorises the deletion of useless expressions from existing legislation, and which will in due course be presented to Council.

The new Ordinance is therefore the old one recast, the sections grouped in a way more convenient for reference, and new ones added, which are for the most part based on those I introduced in an Ordinance I prepared in Mauritius in connexion with a similar revision of the laws of that Colony. Its twofold objects will be fulfilled—the Judges and Magistrates will apply it with greater ease in interpreting the laws: the Law Officer's staff will act upon it to the lightening of their work, and thereby greatly facilitate the comprehension of the Council in legislating, and the public in understanding the legislation.

Two new principles which have been introduced which may be specially referred to :—

References to Imperial Acts in Colonial Ordinances (s. 15).—This is a most important provision which meets a difficulty often arising; *e.g.*, references in existing legislation, say, to the old Merchant Shipping Acts, are useless, but there is no power without such a section to refer to the corresponding sections of the Acts of 1894. I had to introduce a special Ordinance in Mauritius to deal with this case.

The effect of disallowance (s. 17).—Unless there is such a clause as this the consequences of disallowance, which are often very far-reaching, are little understood. This section was approved by the Secretary of State in the Mauritius Ordinance.

F. T. PIGGOTT,  
*Chief Justice.*

9th March, 1911.