

Draft Bills.

No. S. 371.—The following bills are published for general information :—

[No. 35 :—9.10.31.—1.]

S.O. / .

A BILL

INTITULED

An Ordinance to amend the Peace Preservation Ordinance, 1886.

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

Short title. 1. This Ordinance may be cited as the Peace Preservation Amendment Ordinance, 1931.

Amendment of Ordinance No. 10 of 1886, s. 14. 2. Section 14 of the Peace Preservation Ordinance, 1886, is amended by the addition of the word "Ordinance" at the end thereof of the following words :—

"or in respect of any act, matter or thing done during the continuance of any proclamation heretofore or hereafter issued under this Ordinance, or within the period of five days before the date of any such proclamation, if done in good faith, and done or purported to be done in the execution of his duty or for the public safety or for the defence of the Colony or for the enforcement of discipline or otherwise in the public interest, if such person be a person holding office under or employed in the service of the Crown in any capacity, whether naval, military, air-force, or civil, or be a person holding office under or employed in the service of the Government of the Colony in any capacity, or be a person acting under the authority of a person so holding office or so employed, or be a public officer, a member of the Volunteer Defence Corps, a member of the Hong Kong Police Reserve, or a special constable."

Objects and Reasons.

This Ordinance strengthens the indemnity provision, section 14, of the principal Ordinance by the addition of words taken mainly from section 3 of the Indemnity Ordinance No. 18 of 1922.

C. G. ALABASTER,
Attorney General.

October, 1931.

C.S.O. 4432/26

A BILL

INTITULED

An Ordinance to amend the Suitors' Funds Ordinance, 1896.

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

1. This Ordinance may be cited as the Suitors' Funds Short title. Amendment Ordinance, 1931.

2. Sections 2 and 3 of the Suitors' Funds Ordinance, 1896, are repealed. Repeal of Ordinance No. 5 of 1896, ss. 2 and 3.

3. Section 4 of the Suitors' Funds Ordinance, 1896, is amended:— Amendment of Ordinance No. 5 of 1896, s. 4.

(i) by the deletion of the words "carrying this Ordinance into effect and";

(ii) by the deletion of the word "Treasurer" wherever it occurs and by the substitution therefor in each case of the word "Registrar".

Objects and Reasons.

The principal Ordinance was passed at the request of the Secretary of State, the Marquis of Ripon, in his despatch of the 10th August, 1894, somewhat on the lines of the Suitors' Funds Ordinance, 1891, of the Straits Settlements, under which Court moneys were placed on deposit with the Colonial Treasurer and the Government was made liable to make good all monies so placed on deposit together with interest at the rate of two per cent. per annum. The Straits Settlements procedure is now regulated by appropriate provisions of their Civil Procedure Code.

Sections 2 and 3 of the Suitors' Funds Ordinance, 1896, require that all moneys paid into court should be placed on deposit with the Treasurer and should be paid out by the Treasurer only on the requisition of the Registrar.

Under the existing practice moneys paid into court are paid by the Registrar into the account of the Government at such bank as the Treasurer may indicate and the Treasurer is informed daily of the amount paid in.

When payment out is required the Registrar issues to the intended payee a "Direction" (Form 4 prescribed by the Suitors' Funds Rules, 1928) requiring the Treasurer to pay to the person named therein a specified sum. The payee then takes the "Direction" to the Treasury where payment is made in accordance with the tenor thereof.

Individual ledger accounts for actions in connection with which payments are made into court are kept only by the Registrar, the Treasurer keeping merely an account dealing with the total amounts paid into and out of the bank as Suitors' Funds.

The keeping by the Treasurer of individual ledger accounts would, by reason of the multiplicity of items (largely small in amount), involve much labour and would be reduplication of work done in the Registry; but without the keeping of such accounts the present system affords no effective safeguard, as the Treasurer has no means of determining whether the sum which he is directed to pay is in fact payable to the person named in the "Direction".

The present system is cumbrous and involves labour in the Treasury and delay and inconvenience for litigants without affording any commensurate safeguard.

It is considered desirable that payments into court should be dealt with in the manner in which they now are, but that payments out of court should be made by the Registrar direct to the persons entitled thereto, the Treasurer being duly informed by the Registrar of all payments into and out of court. The Colonial Treasurer, the Auditor and the Registrar of the Supreme Court are desirous of making this change in this procedure, which is in accord with that which prevails in the Country Courts in England.

The Ordinance has been submitted to the Secretary of State, Lord Passfield, and is in the form approved by him in his despatch of the 1st August, 1931.

G. C. ALABASTER,
Attorney General.

September, 1931.