

No. 713.

COLONIAL SECRETARY'S DEPARTMENT.

The following Order of His Majesty in Council which appears in the London Gazette of the 17th July, 1936, is published for general information.

R. A. D. FORREST,
Colonial Secretary.

28th August, 1936.

AT THE COURT AT BUCKINGHAM PALACE,

THE 3RD DAY OF JULY, 1936.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by Section 13 of the Whaling Industry (Regulation) Act, 1934 (hereinafter referred to as "the Act") it is enacted that His Majesty may by Order in Council direct that the provisions of the Act shall extend, with such exceptions, adaptations or modifications, if any, as may be specified in the Order, to the Isle of Man, any of the Channel Islands, Newfoundland or to any Colony:

And whereas by Section 13 of the Act it is further enacted that the Foreign Jurisdiction Act, 1890, shall have effect as if the provisions of the Act were included among the enactments which, by virtue of Section 5 of the said Foreign Jurisdiction Act, may be extended by Order in Council to foreign countries in which for the time being His Majesty has jurisdiction:

And whereas by Section 11 of the Act it is enacted that His Majesty may by Order in Council direct that any provision of the Act which is expressed to apply only to British ships shall, subject to such exceptions, adaptations or modifications (if any) as may be specified in the Order, apply also to other ships, being ships registered in or licensed under the law of any Colony or British Protectorate, or any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by His Majesty's Government in the United Kingdom:

And whereas by Section 12 of the Act it is enacted that His Majesty may by Order in Council direct that subject to such conditions, if any, as may be specified in the Order, any of the provisions contained in Sections 1 to 11 of the Act which restricts the taking or killing of whales or the use of ships shall not apply in relation to anything done within the coastal waters of

(a) a country or part of His Majesty's dominions to which the Act may be extended by virtue of Section 13 thereof, or

(b) a British protected state,

if there is in force, as respects those coastal waters, a provision of the local law which appears to His Majesty substantially to correspond with the aforesaid provision of the Act :

And whereas it is expedient that the provisions of the Act should extend to Newfoundland and the territories mentioned in the First Schedule to this Order, subject to the exceptions, adaptations and modifications specified in this Order :

And whereas it is expedient that the provisions of the Act which are expressed to apply only to British ships should apply to other ships registered in or licensed under the law of any territory mentioned in the First Schedule to this Order :

And whereas it appears to His Majesty that in respect of the coastal waters of the territories mentioned in the Second Schedule to this Order there are provisions of the local law substantially corresponding with the provisions of Sections 3 and 4 of the Act :

And whereas it is expedient that the said Sections of the Act should not apply in relation to anything done within the coastal waters of the territories mentioned in the said Second Schedule :

Now therefore, His Majesty, by and with the advice of His Privy Council, is pleased to direct, and it is hereby directed as follows :—

1. The provisions of the Act (except Sections 9 (2) and 15, and except in so far as the Act requires, authorises, prohibits, or restricts the doing of anything in the United Kingdom or in the coastal waters thereof) shall extend to Newfoundland and the territories mentioned in the First Schedule to this Order, subject to the following adaptations and modifications, that is to say :—

(a) For the words "Summary Jurisdiction Acts" in Section 10 (2) of the Act there shall be substituted the words "law relating to summary jurisdiction" ;

(b) In the proviso to Section 10 (2) for the words "those Acts" there shall be substituted the words "that law" ; and for the words "United Kingdom" there shall be substituted "Newfoundland" or the name of the territory as the case may be ;

(c) The provisions of the Act shall not apply to aborigines dwelling on the coasts of any of the territories mentioned in the First Schedule to this Order provided that—

(1) they only use canoes, pirogues or other exclusively native craft propelled by oars or sails ;

(2) they do not carry firearms ;

(3) they are not in the employment of persons other than aborigines ;

(4) they are not under contract to deliver the products of their whaling to any third person.

2. The provisions of the Act which are expressed to apply only to British ships shall apply to other ships registered in or licensed under the law of any territory mentioned in the First Schedule to this Order.

3. Sections 3 and 4 of the Act shall not apply in relation to anything done within the coastal waters of any territory mentioned in the Second Schedule to this Order.

4. This Order may be cited as the Whaling Industry (Regulation) Act (Newfoundland, Colonies, Protectorates, and Mandated Territories) Order, 1936.

M. P. A. HANKEY.

FIRST SCHEDULE.

Bahamas.
Barbados.
Bermuda.
British Guiana.
British Honduras.
Ceylon.
Cyprus.
Falkland Islands and Dependencies.
Fiji.
Gambia (Colony and Protectorate).
Gibraltar.
Gold Coast Colony.
Hong Kong.
Jamaica (including Turks and Caicos Islands and the Cayman Islands).
Kenya (Colony and Protectorate).
Leewards Islands:—
 Antigua.
 Dominica.
 Montserrat.
 St. Christopher and Nevis.
 Virgin Islands.
Malta.
Mauritius.
Nigeria:—
 (a) Colony.
 (b) Protectorate.
 (c) Cameroons under British Mandate.
Palestine (excluding Trans-Jordan).
St. Helena and Ascension.
Seychelles.
Sierra Leone (Colony and Protectorate).
Somaliland Protectorate.
Straits Settlements.
Tanganyika Territory.
Trinidad and Tobago.
Western Pacific, Islands of:—
 British Solomon Islands Protectorate.
 Gilbert and Ellice Islands Colony.
Windward Islands:—
 Grenada.
 St. Lucia.
 St. Vincent.
Zanzibar Protectorate.

SECOND SCHEDULE.

Newfoundland.
Ceylon.
Falkland Islands and Dependencies.