



FALKLAND ISLANDS

Interpretation and General Clauses Ordinance 1977

(ORDINANCE No. 14 OF 1977)

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FALKLAND ISLANDS

Interpretation and General Clauses Ordinance 1977

AN ORDINANCE To consolidate and amend the law relating to the construction, application and interpretation of laws, to make general provision with regard thereto, to define terms and expressions used in laws and public documents, to make general provision with regard to public officers, public contracts and civil and criminal proceedings, and for purposes and for matters incidental thereto or connected therewith.

*[DATE OF COMMENCEMENT: 11TH JULY 1977]
(Unless otherwise indicated)*

PART I SHORT TITLE AND APPLICATION

1 Short title

This Ordinance may be cited as the Interpretation and General Clauses Ordinance 1977.

2 Application to other instruments and to itself

(1) The provisions of this Ordinance apply, so far as applicable and unless the contrary intention appears, to all written laws of the Falkland Islands and whether enacted or made before or after the commencement of this Ordinance.

(2) In the application of this Ordinance to any written law of the Falkland Islands enacted or made after the commencement of this Ordinance, all references- to an enactment include an enactment comprised in subsidiary legislation whenever made, and references to the enactment, passing or repeal of an enactment are to be construed accordingly.

(3) This Ordinance shall apply to itself, but notwithstanding subsections (1) and (2) of this section, this Ordinance does not apply to any UK enactment to which the Interpretation Act 1978 applies.

[S. 3/Ord. 14/89/w.e.f. 4/8/89/S.R. & O. 20/2017/w.e.f. 31/07/2017]

3 Definition provisions in written laws of the Falkland Islands

Whenever in any written law of the Falkland Islands, including this Ordinance, and whether the provision in question was enacted or made before or after this section was enacted, any word or expression is defined for the particular purposes of that written law or of any particular provision or provisions of that written law, that definition shall have effect for those purposes only insofar as the context does not otherwise require.

[S. 3/Ord. 18/91/w.e.f. 26/6/91.]

PART II INTERPRETATION OF WORDS AND EXPRESSIONS

4 Interpretation of words and expressions

(1) In-

- (a) this Ordinance; and
- (b) any other written law of the Falkland Islands except-
 - (i) where such is inconsistent with any provision of that written law; or
 - (ii) where the context otherwise requires-

[S. 10/Ord. 6/2017/w.e.f. 29/4/2017]

"act", when used with reference to an offence or civil wrong, includes a series of acts, an illegal omission and a series of illegal omissions;

"Act" and **"statute"** mean an Act or statute of Parliament;

"adult" means a person who has attained the age of eighteen years;

"age of majority", in relation to a person, means the age of eighteen years;

[S. 2/Ord. 24/91/w.e.f. 19/12/91.]

"aircraft" means any machine that can derive support in the atmosphere from the reactions of the air;

"alien" means a person who is not a British subject;

[S. 2/Ord. 24/91/w.e.f. 19/12/91.]

"amend" means repeal, revoke, cancel, add to or vary and the doing of all or any of such things simultaneously or by the same Ordinance or instrument;

"arrestable offence". . .;

[S. 2/Ord. 24/91/w.e.f. 19/12/91 and Revision w.e.f. 31/07/2017.]

"Attorney General" means the person for the time being holding or acting in the office of Attorney General of the Falkland Islands;

[S. 2/Ord. 19/91/w.e.f. 26/6/91.]

"British subject" means-

- (a) in relation to any time before 1st January 1983, any person who was, at that time-
 - (i) a British subject or a British protected person (within the meaning of those phrases under the British Nationality Act 1948); or
 - (ii) a citizen of the Republic of Ireland;
- (b) in relation to any time after 31st December 1982, any person who was, at that time-
 - (i) a British citizen, a British Dependent Territories citizen, a British National (Overseas), a British Overseas citizen, or a British subject (within the meaning of those phrases under the British Nationality Act 1981); or
 - (ii) a Commonwealth citizen (within the meaning of that phrase under the British Nationality Act 1981);

[S. 2/Ord. 24/91/w.e.f. 19/12/91.]

"Chief Executive" means the person for the time being holding or acting in the office of Chief Executive;

[S. 5/Ord. 14/89/w.e.f. 4/8/89.]

"Christian name" means any name prefixed or suffixed to a surname, whether received in Christian baptism or otherwise;

"civil partner" means either one of two people in a civil partnership;

[S. 77/Ord. 5/22/w.e.f. 03/05/22]

"civil partnership" means a civil partnership registered under Part IVA of the Marriage and Civil Partnerships Ordinance 1996;

[S. 77/Ord. 5/22/w.e.f. 03/05/22]

"Clerk of the Councils" means the Clerk to the Executive Council and the Legislative Assembly and any person appointed by the Governor to be Deputy Clerk of the Councils;

[Revision w.e.f. 31/07/2017]

"coin" means gold, silver, bronze, cupro-nickel or other coin in use as legal currency in the Falkland Islands;

"the Overseas Territory" means the Overseas Territory of the Falkland Islands and shall be deemed to include the territorial waters thereof;

[Revision w.e.f. 31/07/2017]

"commencement", when used with reference to any Ordinance, means the date on which the Ordinance came or comes into operation;

"committed for trial", when used in relation to any person, means-

- (a) committed to prison with a view to his being tried before the Supreme Court; or
- (b) admitted to bail upon recognizance to appear and stand his trial before the Supreme Court.

"common law" means the common law of England;

"the Constitution" means the Constitution contained in the Schedule to the Falkland Islands Constitution Order 2008 (SI 2008/2846);

[S. 3/Ord. 14/89/w.e.f. 4/8/89 and Revision w.e.f. 31/07/2017]

"consul" and **"consular officer"** mean any person, including the head of a consular post, recognized by the competent authority of the receiving state as entrusted in that capacity with the exercise of consular functions;

"contravene", in relation to any requirement or condition prescribed in any written law of the Falkland Islands or in any grant, permit, licence, lease or authority granted under or by virtue of any such written law, includes a failure to comply with that requirement or condition;

"court" means any court of the Falkland Islands of competent jurisdiction;

"Crown Agents" means the persons or body for the time being acting as Crown Agents for Oversea Governments and Administrations;

"Crown lease" means any lease granted by the Crown, any instrument whereby the term of a Crown lease may have been extended or the provisions thereof varied and any agreement for a Crown lease;

"Criminal Justice Council" means the Council of that name established by section 775 of the Criminal Procedure and Evidence Ordinance 2014;

[S. 15/Ord. 12/2014/w.e.f. 21.4.17]

"daily penalty" means a penalty for each day on which the offence is continued after conviction therefor;

"definition" means the interpretation given by an enactment to any word or expression;

"document" means any publication and any matter written, expressed or described upon any substance by means of letters, characters, figures or marks, or by more than one of these means;

"dues" means rates, taxes and duties;

"enactment" means-

- (a) an Ordinance;
- (b) subsidiary legislation made under an Ordinance;
- (c) an Act of Parliament which extends to or applies in the Falkland Islands;

- (d) subordinate legislation, made under an Act of Parliament, which extends to or applies in the Falkland Islands; and
- (e) a provision of anything within paragraphs (a) to (d);

[S. 19/Ord. 11/17/w.e.f. 31/7/17]

"estate" means any estate, right, title, interest, claim or demand in, to or upon property;

"Executive Council" means the Executive Council of the Falkland Islands;

"export" means to take out or cause to be taken out of the Falkland Islands by air or water;

"the Falkland Islands" means the Overseas Territory of the Falkland Islands and shall be deemed to include the territorial waters thereof;

[Revision w.e.f. 31/07/2017]

"Financial Secretary" means the person for the time being holding or acting in the office of the Financial Secretary of the Falkland Islands;

[S. 2/Ord. 18/91/w.e.f. 26/6/91.]

"financial year" means the period from 1st July in any year to 30th June in the immediately succeeding year, both days inclusive;

"fishing waters" has the same meaning as it has under the Fisheries (Conservation and Management) Ordinance 2005;

[S. 2/Ord. 24/91/w.e.f. 19/12/91 and Revision w.e.f. 31/07/2017.]

"folio" means seventy-two words;

"Gazette" means-

- (a) the Falkland Islands Government Gazette and any supplement thereto;
- (b) any Special Gazette or Gazette Extraordinary;

"gazetted" means published in the Gazette;

"Government" means the Government of the Falkland Islands;

"Government Notice" or **"General Notice"** means an announcement not of a legislative character made by or with the authority of the Governor in the Gazette;

"Government Printer" means the Government Printer of the Falkland Islands and any other printer authorized by or on behalf of the Governor to print the Gazette, any Ordinance or any other document of the Government;

"Governor", **"Governor in Council"**, **"Governor in Executive Council"** and **"Governor with the advice of Executive Council"** mean the Governor or other officer for the time being administering the Government of the Falkland Islands acting after consultation with the Executive Council, except in any case where the Constitution authorizes or requires him to act otherwise than after such consultation, where it shall mean the Governor acting in his discretion;

[S. 3/Ord. 14/89/w.e.f. 4/8/89.]

"harbour" has the same meaning as it has under the Harbours Ordinance;

[S. 3/Ord. 14/79/w.e.f. 4/8/89.]

"health officer" means-

- (a) the Senior Medical Officer;
- (b) any person appointed as a health officer by the Governor;
- (c) any person for the time being performing the duties of a health officer under any Ordinance;

"husband", when used with reference to a party in a marriage includes a party in a same sex marriage regardless of gender;

[S. 10/Ord. 6/2017/w.e.f. 29/4/2017]

"husband and wife" includes parties in a same sex marriage regardless of gender;

[S. 10/Ord. 6/2017/w.e.f. 29/4/2017]

"immovable property" means-

- (a) land, whether covered by water or not;
- (b) any estate, right, interest or easement in or over any land; and
- (c) things attached to land or permanently fastened to anything attached to land;

...

[S. 19/Ord. 11/17/w.e.f. 31/7/17]

"import" means to bring or cause to be brought into the Falkland Islands by air or water;

"infant" and **"minor"** mean a person who has not attained the age of eighteen years;

"instrument" includes any publication in the Gazette having legal effect;

"judge" means the Chief Justice and any person appointed to sit as an acting judge of the Supreme Court under section 89(1) of the Constitution;

[S. 3/Ord. 14/89/w.e.f. 4/8/89 and Revision w.e.f. 31/07/2017.]

"justice" and **"justice of the peace"** mean a person appointed to be a justice of the peace for the Falkland Islands;

"land" includes buildings and other structures, land covered with water, and any estate, interest, easement, servitude or right in or over land;

[S. 3/Ord. 14/89/w.e.f. 4/8/89.]

"law" means any law which for the time being has effect in the Falkland Islands (including a law which has effect in the Falkland Islands by virtue of the Law Revision and Publication Ordinance 2017);

[S. 19/Ord. 11/17/w.e.f. 31/7/17]

"Legislative Assembly" means the Legislative Assembly of the Falkland Islands;

[Revision w.e.f. 31/07/2017]

"Magistrate's Court" means the court of that name existing under the Administration of Justice Ordinance 1949;

[S. 3/Ord. 14/89/w.e.f. 4/8/89 and Revision w.e.f. 31/07/2017.]

"marriage" includes a same sex marriage solemnised or recognised under the Marriage and Civil Partnerships Ordinance 1996;

[S. 10/Ord. 6/2017/w.e.f. 29/4/2017] [S. 77/Ord. 5/22/w.e.f. 03/05/22]

"master", when used with reference to a vessel, means the person (except a pilot) having for the time being command or charge of the vessel;

"medical practitioner", **"registered medical practitioner"** and any words importing that a person is recognized by any Ordinance to be a medical practitioner in the Falkland Islands or a member of the medical profession in the Falkland Islands, mean a person duly registered as, or deemed to be registered as, a medical practitioner under the Medical Practitioners, Midwives and Dentists Ordinance;

"month" means calendar month;

"movable property" means property of every description except immovable property;

"non-business day" means —

- (a) every Saturday and Sunday;
- (b) a day that is a public holiday under section 72(1) or is a public holiday by the operation of section 72(2);
- (c) a day appointed to be a public holiday under section 72(3); and
- (d) a day appointed in exercise of the Royal Prerogative to be a day of public fast or thanksgiving;

[S. 2/Ord. 24/91/w.e.f. 19/12/91] [S.3/Ord.1/23/w.e.f. 28.02.23]

"oath" and **"affidavit"** include, in the case of persons allowed or required by law to affirm instead of swearing, affirmation; and "swear" in the like case includes affirm;

"occupy" includes use, inhabit, be in possession of or enjoy the land or premises to which the word relates, otherwise than as a mere servant or for the mere purpose of the care, custody or charge thereof;

"occupier" means any person who uses, inhabits, possesses or enjoys the land or premises in respect of which that word is used otherwise than as a servant or caretaker;

"offence" means an act, other than an act constituting a contempt of court, in respect of which a person on being convicted or found guilty thereof by a court, is liable to be sentenced to suffer

death, to be sentenced to a term of imprisonment or to be sentenced to pay a fine or one or more of the foregoing;

[S. 2/Ord. 24/91/w.e.f. 19/12/91.]

"or", **"other"** and **"otherwise"** shall be construed disjunctively and not as implying similarity, unless the word "similar" or some other word of like meaning is added;

"Order in Council" means an order made by Her Majesty in Her Privy Council;

"owner" means a person receiving the rent of the property in respect of which that word is used either on his own account, or as trustee, agent, or manager, or who would receive the same if such property were let to a tenant;

"Parliament" and **"imperial Parliament"** mean the Parliament of England, the Parliament of Great Britain and the Parliament of the United Kingdom;

"per cent", when used in relation to a rate of interest payable in any circumstances, means the rate of interest specified payable in respect of a year, unless it is expressly provided that it is payable in respect of any other period;

"person" includes any public body and any body of persons, corporate or unincorporate, and this definition shall apply notwithstanding that the word "person" occurs in a provision creating or relating to an offence or for the recovery of any fine or compensation;

"personal name" means the names other than a surname which a person most commonly adopts in conjunction with his surname or, in the case of a person having no surname, the names which he commonly adopts;

"pier" includes every quay, wharf or jetty of whatever description connected to and having direct access to the shore and used or intended to be used for the purposes of a pier, quay, wharf or jetty;

"police officer" and terms or expressions referring to ranks in the Royal Falkland Islands Police shall bear the meanings respectively assigned to them by the Police Ordinance 2000;

[Revision w.e.f. 31/07/2017]

"power" includes any privilege, authority and discretion;

"prescribed" and **"provided"**, when used in or with reference to any Ordinance, means prescribed or provided by that Ordinance or by subsidiary legislation made under that Ordinance;

"prison" means any place or building or portion of a building set aside for the purpose of a prison under any Ordinance relating to prisons;

"Privy Council" means the Lords and others for the time being of Her Majesty's Most Honourable Privy Council;

"proclamation" means a proclamation of the Governor under the public seal;

"property" includes-

- (a) money, goods, choses in action and land; and
- (b) obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as defined in paragraph (a) of this definition;

"public" includes any class of the public;

"publication" means-

- (a) all written and printed matter;
- (b) any record, tape, wire, perforated roll, cinematograph film or other contrivance by means of which any words or ideas may be mechanically, electronically or electrically produced, reproduced, represented or conveyed;
- (c) anything, whether of a similar nature to the foregoing or not, containing any visible representation, or by its form, shape, or in any manner, capable of producing, reproducing, representing or conveying words or ideas; and
- (d) every copy and reproduction of any publication as defined in paragraphs (a), (b) and (c) of this definition;

"public body" includes-

- (a) the Executive Council;
- (b) the Legislative Assembly;

[Revision w.e.f. 31/07/2017]

- (c) any department of the Government; and
- (d) any undertaking by or of the Government;

"public holiday" means a day that is a public holiday under section 72;

[S. 2/Ord. 24/91/w.e.f. 19/12/91] [S.3/Ord. 1/23/w.e.f. 28.02.23]

"public notice board in Stanley" means the notice board in the foyer of The Secretariat, Thatcher Drive, Stanley;

[S. 2/Ord. 17/92/w.e.f. 9/12/92.]

"public office" means any office or employment the holding or discharging of which by a person would constitute that person a public officer;

"public officer" and **"public servant"** mean any person holding an office of emolument under the Crown in right of the Government of the Falkland Islands, whether such office be permanent or temporary;

[S.R.&O. 14/2024/w.e.f. 31/07/2017]

"public place" means-

- (a) any public street or pier, or any public garden; and

- (b) any theatre, place of public entertainment of any kind, or other place of general resort, admission to which is obtained by payment or to which the public have or are permitted to have access;

"Public Seal" means the Public Seal of the Falkland Islands;

"registered", when used with reference to a document, means registered under the provisions of any law applicable to the registration of such document;

"Registrar" means the Registrar of the Supreme Court;

"repeal" includes rescind, revoke, cancel or replace;

...

[S.R. & O. 20/2017/w.e.f. 31/07/2017]

"rules of court", when used in relation to any court, means rules made by the authority having for the time being power to make rules and orders regulating the practice and procedure of such court;

"Secretary of State" means one of Her Majesty's Principal Secretaries of State for the time being;

"sell" includes exchange and barter;

"ship" includes every description of vessel used in navigation not exclusively propelled by oars;

"sign" includes, in the case of a person unable to write, the affixing or marking of a seal, mark or thumbprint;

"spouse" includes the husband, wife or civil partner of a person, and cognate terms are interpreted accordingly;

[S. 77/Ord. 5/22/w.e.f. 03/05/22]

"Stanley" means the area defined in the Stanley Rates Ordinance;

"standard time" means standard time as defined in section 67;

"statutory declaration", if made-

- (a) in the Falkland Islands, means a declaration under the Statutory Declarations Act 1835;
- (b) in any part of the Commonwealth except the Falkland Islands, means a declaration made before a justice of the peace, notary public or other person having authority therein under any legal provision for the time being in force in such part to take or receive a declaration;
- (c) in any other place, means a declaration before a British consul or person having authority under any Act for the time being in force to take or receive a declaration;

[S. 3/Ord. 14/89/w.e.f. 4/8/89.]

"street" and **"road"** mean-

- (a) any highway, street, road, bridge, thoroughfare, parade, square, court, alley, lane, bridle-way, footway, passage, tunnel; and
- (b) any open place, whether situate on land, leased from the Crown or not, used and frequented by the public or to which the public have or are permitted to have access;

"suburban land" and **"suburbs"** mean-

- (a) land outside Stanley bounded on the north by the Murrel River and Port William, on the south and east by Port Harriet and the sea and on the west by a line drawn from a point on the Murrel River commonly known as "Furze Bush" to the summit of Mount Harriet and thence along the eastern boundary of No. 1 section to the west of Port Harriet; and
- (b) land outside the limit or boundary of any place declared to be a town but not more than 6 miles from the centre of such town;

"subsidiary legislation" and **"regulations"** mean any proclamation, rule, regulation, order, resolution, notice, rule of court, by-law or other instrument made under or by virtue of any Ordinance and having legislative effect;

"Summary Court" means the court of that name existing under the Administration of Justice Ordinance 1949;

[S. 3/Ord. 14/89/w.e.f. 4/8/89 and Revision w.e.f. 31/07/2017.]

"summary conviction" means a conviction otherwise than on indictment;

[S. 3/Ord. 14/89/w.e.f. 4/8/89.]

"Supreme Court" means the Supreme Court of the Falkland Islands;

"territorial sea" and **"territorial waters"** mean such part of the seas surrounding the Falkland Islands as in accordance with the law of the Falkland Islands are the territorial sea or territorial waters of the Falkland Islands;

[S. 3/Ord. 14/89/w.e.f. 4/8/89.]

"town" means land within the limits of any place declared to be a town under section 94 of this Ordinance;

"treaty" means a treaty, convention or agreement made with a foreign state, and any protocol or declaration attached thereto or independent thereof but referring thereto (but nothing in this definition shall be construed as applying to the Falkland Islands anything to which it refers and which would not, apart from this definition, so apply);

[S. 3/Ord. 14/89/w.e.f. 4/8/89.]

"triable summarily", in relation to an offence, means triable by the Magistrate's Court or by the Summary Court (and notwithstanding that the offence might also be triable on indictment);

[S. 3/Ord. 14/89/w.e.f. 4/8/89.]

"United Kingdom" means the United Kingdom of Great Britain and Northern Ireland;

“UK Act” means an Act of Parliament;

[S. 19/Ord. 11/17/w.e.f. 31/7/17]

“UK enactment” means a UK Act or instrument;

[S. 19/Ord. 11/17/w.e.f. 31/7/17]

“UK instrument” means subordinate legislation under an Act of Parliament;

[S. 19/Ord. 11/17/w.e.f. 31/7/17]

"vessel" means any ship or boat and any description of vessel used in navigation;

"waters of the Overseas Territory", "waters of the Falkland Islands" and "Overseas Territory waters" mean-

- (a) all waters, whether navigable or not, included in the Falkland Islands; and
- (b) territorial waters;

[Revision w.e.f. 31/07/2017]

"widow and widower" must be construed to refer to parties in a same sex marriage regardless of gender;

[S. 10/Ord. 6/2017/w.e.f. 29/4/2017]

"wife", when used with reference to a party in a marriage includes a party in a same sex marriage regardless of gender;

[S. 10/Ord. 6/2017/w.e.f. 29/4/2017]

"will" includes any testamentary instrument;

"words" include figures and symbols;

"writing" and **"printing"** include writing, printing, lithography, photography, typewriting and any other mode of representing words in a visible form;

"written law of the Falkland Islands" means any Ordinance of the Falkland Islands and any subsidiary legislation;

[S. 2/Ord. 18/91/w.e.f. 26/6/91.]

"year" means a year according to the Gregorian calendar;

"years of age" and words of a like meaning, when used with reference to the age of any person, mean years of age according to the English reckoning of ages.

[S. 2/Ord. 18/91/w.e.f. 26/6/91.]

(2) Any reference in any written law of the Falkland Islands, including this Ordinance, to “father” or “mother” must be construed to include parties in a same sex marriage and in a civil partnership regardless of gender (and irrespective of whether the parents are two mothers or two fathers).

[S. 10/Ord. 6/2017/w.e.f. 29/4/2017]

5 Definition of Commonwealth

(1) A country, province or territory is for the purposes of any written law of the Falkland Islands to be regarded as a Commonwealth country if it is-

- (a) the United Kingdom of Great Britain and Northern Ireland;
- (b) England, Scotland, Wales or Northern Ireland;
- (c) one of the British Islands (that is to say one of the Channel Islands or the Isle of Man);
- (d) a country mentioned in Schedule 3 to the British Nationality Act 1981;
- (e) a territory mentioned in Schedule 6 to the British Nationality Act 1981; or
- (f) any other country, province or territory, not being an integral part of the territory of any state or country mentioned in Schedule 3 to the British Nationality Act 1981, which, at least in respect of its external affairs, is subject to the control of the United Kingdom of Great Britain and Northern Ireland or of a state or country mentioned in the said Schedule 3.

(2) A certificate under the hand of a Secretary of State or of the Governor stating that, at the time or times mentioned in the certificate and either in direct terms or by necessary implication that a country, province or territory is or was one falling within subsection (1)(f) shall be conclusive as to that fact.

[S. 2/Ord. 24/91/w.e.f. 19/12/91.]

6 Grammatical variations and cognate expressions

Where any word or expression is defined in any written law of the Falkland Islands, such definition shall extend to the grammatical variations and cognate expressions of such word or expression.

7 References to Government property

Where reference is made in any written law of the Falkland Islands to property and the expressions used in relation thereto imply that such property is owned by, or belongs to, the Government, or convey a similar meaning, such reference shall be deemed to refer to such of the property of the Crown of the description mentioned as has been appropriated to the use of the Government.

8 Provisions for gender and number

(1) Words and expressions importing the masculine gender include the feminine.

(2) Words and expressions in the singular include the plural and words and expressions in the plural include the singular.

9 References to service by post

Where any written law of the Falkland Islands authorizes or requires any document to be served by post (whether the expression "serve" or the expression "give" or "send" or "notify" or any

other expression is used) then, unless the contrary intention appears, the service is 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 when the letter would be delivered in the ordinary course of the post.

[S. 3/Ord. 14/89/w.e.f. 4/8/89.]

PART III GENERAL PROVISIONS AS TO WRITTEN LAWS

10 Ordinances to be judicially noticed

Every Ordinance shall be judicially noticed.

11 Sections and schedules

(1) Every section of an Ordinance shall have effect as a substantive enactment without introductory words.

(2) Every schedule to or table in any Ordinance and any notes to such schedule or table shall be construed and have effect as part of such Ordinance.

12 Citation of written laws

(1) ...

(2) Where any written law of the Falkland Islands is referred to, it shall be sufficient for all purposes to cite such written law-

(a) ...

(b) by the title, short title or citation thereof; or

(c) by its number among the Ordinances, Proclamations or Statutory Rules and Orders of the year in which it was enacted or made.

[S. 14/Ord. 17/91/w.e.f. 26/6/91/S.R. & O. 20/2017/w.e.f. 31/07/2017]

13 Collective citation

(1) Where it is provided that any Ordinance may, as to the whole or any part thereof, be cited with any other Ordinance or with any group of Ordinances, all such Ordinances shall be read and construed together, and any such group shall be construed as including such first-mentioned Ordinance.

(2) Where it is provided that two or more Ordinances may together be cited by a collective short title or citation containing therein the years of the first and last of such Ordinances, such short title or citation shall be construed to include all the Ordinances covered by the same, or any of them.

14 References to written laws as amended

(1) Wherever any provision of any written law of the Falkland Islands refers to another such written law, that provision shall be deemed to include a reference to that other written law as the same may from time to time be amended.

(2) Wherever any written law of the Falkland Islands repeals, revokes or rescinds and re-enacts or re-makes with or without modification any provision of another such written law, references in any other written law of the Falkland Islands to the provision so repealed, revoked or rescinded shall be construed as references to the provision so re-enacted or re-made.

[S. 2/Ord. 18/91/w.e.f. 26/6/91.]

15 Citation of part of written law

(1) Every description or citation in any written law of the Falkland Islands of a portion of any other such written law shall be construed as including the word, section, subsection, article, paragraph, sub-paragraph 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.

(2) Wherever in any written law of the Falkland Islands there is a reference to a section, article, paragraph, Part, Chapter or Schedule by number or letter only, and not in conjunction with the title, short title or citation of any other written law, such reference shall be construed as a reference to the section, article, paragraph, Part, Chapter, or Schedule of that number or letter contained in the written law in which such reference occurs.

(3) Wherever in any section, article or paragraph of any written law of the Falkland Islands there is a reference to a subsection, paragraph, sub-paragraph or other division by number or letter only, and not in conjunction with the number of any section, article or paragraph of that or any other such written law, such reference shall be construed as a reference to the subsection, paragraph, sub-paragraph or other division of that number or letter contained in the section in which such reference occurs.

[S. 2/Ord. 18/91/w.e.f. 26/6/91.]

16 Marginal and other notes

(1) Where a provision of any written law of the Falkland Islands is taken verbatim from, or is substantially similar to, a provision of any UK enactment, there may be added to the marginal note of the provision of such written law a reference, in abbreviated form, to such provision of the UK enactment.

(2) A reference added under subsection (1) shall not have any legislative effect and shall not in any way vary, limit or extend the interpretation of any written law of the Falkland Islands.

(3) ...

[S.R. & O. 20/2017/w.e.f. 31/07/2017.]

17 General principles of interpretation

A written law of the Falkland Islands shall be deemed to be remedial and shall receive such fair, large and liberal construction and interpretation as will best ensure the attainment of the object of such written law according to its true intent, meaning and spirit.

18 Inspection of written laws

A copy of every written law of the Falkland Islands for the time being in force shall be available for inspection without charge at the offices of the Attorney General during such time as the same are open for business.

[S. 3/Ord. 14/89/w.e.f. 4/8/89.]

19 Printing of laws

(1) Paragraph 4 of Annex A to the Constitution applies to the printing of laws.

(2) For all purposes of this Ordinance a law which is published in a supplement to the Gazette which is issued with and published at the same time as, and which is referred to in, an issue of the Gazette is deemed to have been published in that issue.

[S. 3/Ord. 14/89/w.e.f. 4/8/89.]

20 Evidence in relation to certain matters concerning laws

(1) Where, in accordance with paragraph 4 of Annex A to the Constitution any printed copy of an Ordinance printed by the Government Printer or other authorized printer bears printed thereon-

- (a) in the case of an Ordinance assented to by the Governor particulars of the day on which he gave such assent;
- (b) in the case of a law assented to by Her Majesty through a Secretary of State, particulars of the day on which the Governor signified such assent thereto by proclamation in the Gazette;
- (c) particulars of the day on which the law was published in the Gazette; or
- (d) particulars of the day on which the law came into operation or, if that day shall not have been determined, a reference to the provision whereby it may be determined,

those particulars shall, unless the contrary be proved, be deemed to be correctly stated and shall be received without further proof as evidence of the facts to which the particulars in question relate.

(2) Where any Ordinance or other instrument or document whatsoever has printed thereon a statement that the Ordinance, instrument or document was printed by the Government Printer or other authorized printer, that statement shall, unless the contrary be proved, be deemed to be correctly made and shall be received without further proof as evidence of the fact stated.

[S. 3/Ord. 14/89/w.e.f. 4/8/89.]

21 Publication and commencement of laws

(1) Nothing in section 20 shall be construed as permitting any written law of the Falkland Islands to come into operation until such time as it has been published in the Gazette.

(2) If so expressed therein, a written law of the Falkland Islands may have effect retrospective from the date of its publication in the Gazette, but-

- (a) no act or omission which did not constitute an offence at the time it was done or made shall retrospectively become an offence; and
- (b) no written law of the Falkland Islands shall render any offence committed before that law came into operation punishable more severely than it would have been if that law had not been made.

[S. 3/Ord. 14/89/w.e.f. 4/8/89.]

22 Publication of laws as amended

(1) The Government Printer may, with the authority of the Attorney General, print a consolidated version of any law (that is to say, incorporating therein all amendments which have been made to such law since the same was enacted or made) and may publish any such consolidated version in the Gazette.

(2) Any consolidated version of a law published pursuant to this section shall bear at the foot thereof a statement that it is published pursuant to this section and that it is a consolidated version and shall be admissible in evidence and, unless the contrary be proved, shall be deemed correctly to state the content of the law in question at the date of its publication in the Gazette.

23 Disallowance of Ordinances

(1) Where any Ordinance is disallowed by Her Majesty, such disallowance shall be notified by the Governor by notice in the Gazette; and from and after the date of publication of such notice the Ordinance shall cease to have effect.

(2) Where notice of disallowance of any Ordinance is notified in accordance with the provisions of subsection (1), the provisions of section 26 shall apply in respect of such disallowance as if the words "disallowance" and "disallowed" were substituted therein for the words "repeal" and "repealed" respectively.

(3) Any Ordinance repealed or amended by any Ordinance disallowed shall revive and continue in force with effect from the date of publication of the notice referred to in subsection (1).

24 Written law and amendment to be read as one

Any written law of the Falkland Islands which amends any other written law shall be read and construed as one with the amended written law, and the amended written law may, in the amending written law, be referred to as the "principal Ordinance", "principal Regulations", or as the case may be.

25 Repeal of repeal

Where any written law of the Falkland Islands repeals a repealing enactment, the repeal does not revive any enactment previously repealed unless words are added reviving it.

[S. 3/Ord. 14/89/w.e.f. 4/8/89.]

26 Effect of repeal generally

(1) Without prejudice to section 25, where a written law of the Falkland Islands repeals an enactment, the repeal does not, unless the contrary intention appears-

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

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 written law had not been passed.

(2) This section applies to the expiry of a temporary enactment as if it had been repealed by a written law of the Falkland Islands.

[S. 3/Ord. 14/89/w.e.f. 4/8/89.]

27 Repeal and re-enactment

(1) Where a written law of the Falkland Islands repeals a previous enactment and substitutes provisions for the enactment repealed, the repealed enactment remains in force until the substituted provisions come into force.

(2) Where an Ordinance repeals and re-enacts, with or without modification, a previous enactment then, unless the contrary intention appears, in so far as any subsidiary legislation made or other thing done under the enactment so repealed, or having effect as if so made or done, could have been made or done under the provision re-enacted, it shall have effect as if made or done under that provision.

[S. 3/Ord. 14/89/w.e.f. 4/8/89.]

28 Repeal of amended written law to include amendments

Where any written law of the Falkland Islands which has been amended by any other such written law is repealed, such repeal shall include the repeal of all those provisions of such other written law by which such first-mentioned written law was amended.

29 Effect of expiry of Ordinance

Upon the expiry or lapse of any Ordinance, the provisions of section 26 shall apply as if such Ordinance had been repealed.

PART IV SUBSIDIARY LEGISLATION

30 General provision with regard to power to make subsidiary legislation

Where an Ordinance confers power on any authority to make subsidiary legislation, the following provisions shall have effect with reference to the making thereof:

- (a) when any subsidiary legislation purports to be made in exercise of a particular power or powers, it shall be deemed also to be made in exercise of all other powers thereunto enabling;
- (b) no subsidiary legislation shall be inconsistent with the provisions of any Ordinance;
- (c) subsidiary legislation may at any time be amended by the same authority and in the same manner by and in which it was made:

Provided that where such authority has been replaced wholly or in part by another authority, the power conferred hereby upon the original authority may be exercised by the replacing authority concerning all matters or things within its jurisdiction as if it were the original authority;

- (d) where any Ordinance confers power on any authority to make subsidiary legislation for any general purpose, and also for any special purpose incidental thereto, the enumeration of the special purposes shall not be deemed to derogate from the generality of the powers conferred with reference to the general purpose;
- (e) subsidiary legislation may provide that a contravention or breach thereof shall be punishable on summary conviction by such term of imprisonment not exceeding six months or by such fine not exceeding the maximum of level 4 on the standard scale as may be specified in the subsidiary legislation or by both such imprisonment and fine;
- (f) subsidiary legislation may amend any forms contained in the Ordinance under which such subsidiary legislation is made and may prescribe new forms for the purpose thereof and for the purposes of such subsidiary legislation; and
- (g) subsidiary legislation may provide for the imposition of fees and charges in respect of any matter with regard to which provision is made in such subsidiary legislation or in the Ordinance under which such subsidiary legislation is made.

31 Subsidiary legislation to be judicially noticed

Subsidiary legislation shall be judicially noticed.

32 Construction of subsidiary legislation

Where any Ordinance confers power to make any subsidiary legislation, expressions used in the subsidiary legislation shall have the same meaning as in the Ordinance conferring the power, and any reference in such subsidiary legislation to "the Ordinance" shall be construed as a reference to the Ordinance conferring the power to make such subsidiary legislation.

33 Exercise of statutory powers between enactment and commencement of Ordinance

Where an Ordinance is not to come into operation on or before the expiration of the day next preceding the day of the publication thereof and confers power to make any appointment, to make any subsidiary legislation, to issue notices, to prescribe forms or to do any other thing for the purposes of the Ordinance, such power may be exercised at any time after the Ordinance has been assented to:

Provided that any appointment, subsidiary legislation, instrument, notice, form or thing made, granted, issued, prescribed, given or done under such power shall not, unless the appointment, subsidiary legislation, instrument, form or thing is necessary for bringing the Ordinance into operation, come into operation or have any effect until the Ordinance comes into operation.

[S. 3/Ord. 14/89/w.e.f. 4/8/89.]

34 Acts done under subsidiary legislation deemed done under Ordinance

An act shall be deemed to be done under an Ordinance or by virtue of the powers conferred by an Ordinance or in pursuance or execution of the provisions of or under the authority of an Ordinance, if it is done under or by virtue of or in pursuance or execution of or under the authority of subsidiary legislation made under any power contained in that Ordinance.

35 Placing of rules, regulations and by-laws before Legislative Assembly

[Revision w.e.f. 31/07/2017]

(1) All rules, regulations and by-laws shall be laid on the table of the Legislative Assembly at the next sitting thereof after the publication in the Gazette of such rules, regulations or by-laws.

[Revision w.e.f. 31/07/2017]

(2) Where rules, regulations or by-laws have been laid on the table of the Legislative Assembly in accordance with the provisions of subsection (1), the Legislative Assembly may, by resolution passed at the next sitting of the Legislative Assembly held after the sitting at which they were so laid, provide that any such rules, regulations or by-laws shall be amended in any manner whatsoever and if any such resolution is so passed, the said rules, regulations and by-laws shall, without prejudice to anything done thereunder, be deemed to be amended as from the date of publication in the Gazette of such resolution.

[Revision w.e.f. 31/07/2017]

(3) Any resolution passed by the Legislative Assembly in accordance with subsection (2) shall be published in the Gazette not later than fourteen days after the passing thereof or within such further period as the Governor may allow in any particular case.

[Revision w.e.f. 31/07/2017]

36 Approval of Legislative Assembly to subsidiary legislation

[Revision w.e.f. 31/07/2017]

Where any Ordinance provides that subsidiary legislation shall be subject to the approval of the Legislative Assembly or of any other authority, or contains words to the like effect, then-

[Revision w.e.f. 31/07/2017]

- (a) the subsidiary legislation shall be submitted for the approval of the Legislative Assembly or other authority; and

[Revision w.e.f. 31/07/2017]

- (b) the Legislative Assembly may by resolution or the other authority may by order amend the whole or any part of the subsidiary legislation.

[Revision w.e.f. 31/07/2017]

37 Effect of repeal on subsidiary legislation

(1) Where any subsidiary legislation continues to have effect under section 27(2), it may be amended as if made under the repealing or re-enacting Ordinance.

(2) Where an Ordinance repeals and re-enacts any enactment and any subsidiary legislation made under the repealed enactment continues to have effect under section 27(2) or any provision of that repealing Ordinance, that subsidiary legislation may be revoked by any subsidiary legislation made under the repealing Ordinance.

[S. 3/Ord. 14/89/w.e.f. 4/8/89.]

PART V POWERS

38 Presumption of lawful exercise of power

Where any Ordinance confers power upon any person to-

- (a) make any subsidiary legislation;
- (b) make any instrument; or
- (c) exercise any power,

and the Ordinance conferring the power prescribes conditions, subject to the observance, performance or existence of which any such power may be exercised, such conditions shall be presumed to have been duly fulfilled if in the subsidiary legislation or instrument exercising the power there is a statement that the subsidiary legislation or instrument is made, or the power exercised, in exercise of, or in pursuance of, the power conferred by such Ordinance, or a statement to the like effect.

39 Exercise of powers

(1) Where any written law of the Falkland Islands confers any power or imposes any duty, then the power may be exercised and the duty shall be performed from time to time as occasion requires.

(2) Where any written law of the Falkland Islands confers any power or imposes any duty on the holder of any public office as such, then the power may be exercised and the duty shall be performed by the person holding or acting in that office for the time being.

[S. 3/Ord. 14/89/w.e.f. 4/8/89.]

40 Construction of enabling words

(1) Where any written law of the Falkland Islands confers upon any person power to do or enforce the doing of any act or thing, all such powers shall be deemed to be also conferred as are reasonably necessary to enable the person to do or enforce the doing of the act or thing.

(2) Without prejudice to the generality of subsection (1), where any written law of the Falkland Islands confers power-

- (a) to provide for, prohibit, control or regulate any matter, such power shall include power to provide for the same by the licensing thereof and power to prohibit acts whereby the prohibition, control or regulation of such matter might be evaded;
- (b) to grant a licence, Crown lease, permit, authority, approval or exemption, such power shall include power to impose reasonable conditions subject to which such licence, Crown lease, permit, authority, approval or exemption may be granted;
- (c) to approve any person or thing, such power shall include power to withdraw approval thereof;
- (d) to give directions, such power shall include power to couch the same in the form of prohibitions.

(3) Without prejudice to the generality of subsection (1), whenever in any written law of the Falkland Islands the expression "as the Governor may appoint" or "as the Governor may direct" or "as the Governor may specify" or "as the Governor may prescribe" or "as may be designated by the Governor", or any similar expression referring to the Governor, appears and no power is expressly conferred upon the Governor to make the appointment, give the direction or specification, prescribe or make the designation, as the case may be, such power shall nevertheless be deemed to be conferred.

(4) Subsection (3) has effect in relation to any public officer, public body or authority having powers to which subsection (1) relates as it has effect in relation to the Governor.

[S. 3/Ord. 14/89/w.e.f. 4/8/89.]

41 Power to issue licences, etc., discretionary

(1) Where any written law of the Falkland Islands confers power upon any person to issue, grant, give or renew any licence, Crown lease, authority, approval or permit, the person so empowered

shall have a discretion either to issue, grant, give or renew any licence, Crown lease, authority, approval or permit.

(2) Nothing in subsection (1) shall authorize any person to contravene any applicable rule of natural justice or affect any right which may be conferred by any written law of the Falkland Islands upon any person to appeal against a refusal to issue, grant, give or renew any licence, Crown lease, authority, approval or permit.

[S. 3/Ord. 14/89/w.e.f. 4/8/89.]

42 Power to appoint includes power to suspend, dismiss, re-appoint, etc.

Where any written law of the Falkland Islands confers a power or imposes a duty upon any person to make any appointment or to constitute or establish any board, tribunal, commission, committee or similar body, then the person having such power or duty shall also have the power-

- (a) to remove, suspend, dismiss or revoke the appointment of, and to re-appoint or reinstate, any person appointed in exercise of such power or duty;
- (b) to revoke the appointment, constitution or establishment of, or to dissolve, any board, tribunal, commission, committee or similar body appointed, constituted or established, in exercise of such power or duty, and to re-appoint, reconstitute or re-establish the same; and
- (c) to specify the period for which any person appointed in exercise of such power or duty shall hold such appointment:

Provided that where the power or duty of such person so to act is only exercisable upon the recommendation, or is subject to the approval or consent, of some other person, then such power shall only be exercisable upon such recommendation or subject to such approval or consent.

43 Delegation by specified public officers

(1) Where any written law of the Falkland Islands confers powers or imposes duties upon a specified public officer, such officer may delegate any other public officer or the person for the time being holding any office designated by him to exercise such powers or perform such duties on his behalf and thereupon, or from the date specified by such specified public officer, the person delegated shall have and may exercise such powers and perform such duties.

(2) Nothing in subsection (1) shall authorize a specified public officer to delegate any person to make subsidiary legislation or to hear any appeal.

(3) Where any written law of the Falkland Islands confers any power or imposes any duty upon a specified public officer and such power is exercised or such duty is performed by any other public officer, the specified public officer shall, unless the contrary is proved, be deemed to have delegated the latter public officer under subsection (1) to exercise the power or perform the duty.

(4) In this section "specified public officer" means the person for the time being holding any public office which has been specified, either generally or for the purposes of any particular written law of the Falkland Islands, under this section by the Governor by notice in the Gazette.

44 Effect of delegation of powers and duties

(1) Where any written law of the Falkland Islands confers power upon any person to delegate the exercise on his behalf of any of the powers or the performance of any of the duties conferred or imposed upon him under any written law of the Falkland Islands-

- (a) such delegation shall not preclude the person so delegating from exercising or performing at any time any of the powers or duties so delegated;
- (b) such delegation may be conditional, qualified or limited in such manner as the person so delegating may think fit;
- (c) where the delegation may be made only with the approval of some person, such delegation may be conditional, qualified or limited in such manner as the person whose approval is required may think fit;
- (d) the delegation may be to a named person or to the person for the time being holding any office designated by the person so delegating; and
- (e) any delegation may be amended by the person so delegating.

(2) The delegation of any power shall be deemed to include the delegation of any duty incidental thereto or connected therewith and the delegation of any duty shall be deemed to include the delegation of any power incidental thereto or connected therewith.

45 Exercise of powers in special cases

Where any written law of the Falkland Islands confers any power or imposes any duty upon the holder of any public office and either-

- (a) that office has been abolished; or
- (b) no person has been appointed to discharge the functions of that office,

those powers and duties may be exercised or performed-

- (i) in the case of making subsidiary legislation, by the Governor; and
- (ii) in any other case, by the holder of such other public office as the Governor may by order direct.

46 Power to make public instruments and perform acts

Where any written law of the Falkland Islands confers power on any person to make, issue or approve any proclamation, order, notice, declaration, instrument, notification, licence, permit, register or list, such power shall include power-

- (a) to amend or suspend such proclamation, order, notice, declaration, instrument, notification, licence, permit, register or list;
- (b) to substitute another proclamation, order, notice, declaration, instrument, notification, licence, permit, register or list for one already made, issued or approved;
- (c) to withdraw approval of any proclamation, order, notice, declaration, instrument, notification, licence, permit, register or list so approved; and

- (d) to declare the date of the coming into operation, and the period of operation, of any such proclamation, order, notice, declaration, instrument, notification, licence, permit, register or list.

47 Power to relate back appointment

Any appointment made under the provisions of any written law of the Falkland Islands may be declared to have effect as from the date upon which the person appointed in fact began to exercise the powers and perform the duties of his appointment, not being a date earlier than the commencement of the written law under which the appointment is made.

PART VI BOARDS AND COMMITTEES

48 Power to appoint chairman

Where any written law of the Falkland Islands confers power upon any person to appoint any persons to be members of any board, tribunal, commission, committee or similar body, the person so empowered may appoint a chairman, a deputy chairman, a vice-chairman and a secretary of such board, tribunal, commission, committee or similar body.

49 Power to appoint public officer to board, etc.

Where any written law of the Falkland Islands confers power upon any person to appoint any persons to be members of any board, tribunal, commission, committee or similar body, the person so empowered may appoint any public officer, by his official designation, to be a member of such board, tribunal, commission, committee or similar body, and, on such appointment and until such appointment shall be revoked or otherwise determined, the person for the time being holding the public office in question shall be a member of such board, tribunal, commission, committee or similar body.

50 Appointment of alternates

Where any board, tribunal, commission, committee or similar body is established by or under any written law of the Falkland Islands, any person who is empowered by such written law to appoint any or all of the members thereof may-

- (a) appoint one or more duly qualified persons to be alternate members of the same, and any one such alternate member may attend any meeting of the same when a substantive member is temporarily unable to attend for any reason; and
- (b) appoint a duly qualified person to be a temporary member of the same in the place of any substantive member who is precluded by illness, absence from the Falkland Islands or any other cause from exercising his functions as such,

and when attending any meeting of such board, tribunal, commission, committee or similar body, such alternate or temporary member shall be deemed for all purposes to be a member of the same.

51 Powers of board, etc., not affected by vacancy

Where any board, tribunal, commission, committee or similar body is established by or under any written law of the Falkland Islands, the powers of such board, tribunal, commission, committee or similar body shall not be affected by-

- (a) any vacancy in the membership thereof;
- (b) any defect in the appointment or qualification of a person purporting to be a member thereof; or
- (c) any minor irregularity in the convening of any meeting thereof.

52 Power of majority and exercise of powers

(1) Where any written law of the Falkland Islands confers a power or imposes a duty upon a body or number of persons consisting of or being not less than three, such power may be exercised or duty performed in the name of that body or number of persons by a majority of those persons.

(2) Whenever such body or number of persons is assembled, the chairman or other member presiding shall have a casting as well as a deliberative vote in all matters in which a decision is taken by vote by whatever name such vote may be called.

(3) The exercise of any power vested in such body or number of persons may be signified either by the chairman or other person presiding at the meeting or other deliberation at which such power was exercised or at which, as the case may be, authority to exercise it was conferred, or by any person from time to time authorized by such body or persons to signify the exercise of such power.

53 Seal

Where any written law of the Falkland Islands constitutes any board, tribunal, commission, committee or similar body to be a body corporate having perpetual succession and a common seal, and any document requires to be sealed with such common seal, then such common seal shall be affixed by the chairman of such board, tribunal, commission, committee or similar body, or by any member thereof appointed by the chairman for that purpose, and shall be authenticated by the signature of the chairman or such member.

PART VII PUBLIC OFFICERS AND PUBLIC CONTRACTS

54 References to public officer

In any written law of the Falkland Islands, instruments, warrant or process of any kind, any reference to a public officer, or to a person holding a public office by a term designating his office, shall include a reference to any person for the time being lawfully discharging the functions of that office, or of any part of such functions, and any person appointed to act in or perform the duties of such office, or any part of such duties, for the time being.

55 Power to transfer functions of public officers

(1) The Legislative Assembly may by resolution provide for the transfer to any public officer of any functions exercisable by virtue of any written law of the Falkland Islands by another public officer.

[Revision w.e.f. 31/07/2017]

(2) A resolution under this section may contain such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to the resolution.

(3) A certificate issued by the Chief Executive that any property vested in a public officer immediately before a resolution under this section takes effect has been transferred by virtue of the resolution to another public officer shall be conclusive evidence of the transfer.

(4) In this section-

"functions" includes powers and duties;

"public officer" includes any corporation created for the purpose of incorporating a person for the time being holding a public office.

56 Change of title of office

The Chief Executive may, by notice (which may be given retrospective effect) in the Gazette, declare a change in title of any public officer or body, or of any person referred to in any written law of the Falkland Islands, and the notice may contain provisions substituting the new title in any written law of the Falkland Islands relating to the public officer, public body or person and in any instrument, contract or legal proceedings made or commenced before the date on which the notice takes effect.

57 Appointment of officers by name or office

Where any written law of the Falkland Islands confers power upon any person to appoint or name a person to have and exercise any powers or perform any duties, the person so empowered may either appoint a person by name or direct the person for the time being holding any office designated by him to have and exercise such powers or perform such duties; and thereupon, or from the date specified by the person so empowered, the person appointed by name or the person holding the office aforesaid shall have and may exercise such powers or perform such duties accordingly until such appointment be revoked or otherwise determined.

58 Filling vacancy

(1) When any written law of the Falkland Islands confers a power or imposes a duty upon a public officer and such public officer is unable to exercise the powers or perform the duties of his office, owing to absence or inability to act from illness or any other cause, the Governor may, by notice in the Gazette, direct that such power shall be had and may be exercised and such duty shall be performed by a public officer named by, or by a public officer holding the office designated by, the Governor, subject to such conditions, exceptions and qualifications as the Governor may direct.

- (2) Any direction by the Governor under subsection (1) may be given-
- (a) in anticipation of any absence or inability occurring; or
 - (b) subsequently thereto and may relate back to the commencement of such absence or inability.

(3) Where any written law of the Falkland Islands confers powers or imposes duties upon a public officer and a new post is subsequently created in the same or another Government department, the Governor may, by notice in the Gazette, direct that the said powers and duties or any of them shall be exercised by any holder of the new post so created, either to the exclusion of or in addition to the first-named public officer or otherwise.

59 Power to appoint while holder on retirement leave

(1) Where the holder of any public office is on leave of absence pending the relinquishment by him of such office, another person may be appointed to the same public office.

(2) Where two or more persons are holding the same public office by reason of an appointment made in accordance with subsection (1), then, for the purposes of any written law of the Falkland Islands and in respect of any power conferred or duty imposed upon the holder of such office, the person last appointed to the office shall be deemed to be the holder thereof.

60 Contracts by public officer

In any contract or other document, signed, executed or made by the Governor or by any public officer on behalf of the Governor or the Government or of any Government department, it shall not be necessary to name the Governor or such public officer, but it shall be sufficient to name the office held by the Governor or such public officer, and the Governor or public officer shall be deemed to be a party thereto as if the Governor or such public officer were a corporation sole with perpetual succession for this purpose.

61 Effect of past contracts by public officer

Any contract or other document signed, executed or made before the commencement of this Ordinance by the Governor or by any public officer on behalf of the Governor or the Government or of any Government department shall be enforceable as if the office of Governor or such public officer had, at the time of such execution or making, been a corporation sole with perpetual succession for this purpose.

62 Omission of title after signature of public officer immaterial

The omission to add the title of the public office held by the Governor or any public officer signing or executing any contract or other document after the signature of such officer shall not exclude such contract or other document from the operation of sections 60 and 61.

PART VIII
CROWN, GOVERNOR AND GOVERNOR IN COUNCIL

63 Signification of orders of Governor and Governor in Council

(1) Where any Ordinance confers a power or imposes a duty upon the Governor or the Governor in Council to make any subsidiary legislation or appointment, give any directions, issue any order, authorize any thing or matter to be done, grant any exemption, remit any fee or penalty, or exercise any other power or perform any other duty, the exercise of such power or the performance of such duty may be signified under the hand of the Clerk of Councils.

(2) Notwithstanding the provisions of subsection (1), proclamations shall be made or issued only under the hand of the Governor himself.

[S. 3/Ord. 14/89/w.e.f. 4/8/89.]

64 Appeals and objections to Governor in Council

(1) Where any written law of the Falkland Islands confers upon any person a right of appeal or objection to the Governor in Council, such appeal or objection shall be governed by rules made in accordance with subsection (2).

(2) The Governor in Council may make rules governing the procedure to be followed in appeals or objections to the Governor in Council.

(3) The conferring by any Ordinance of a right of appeal or objection to the Governor in Council shall not prevent any person from applying to the Supreme Court for an order of mandamus, certiorari, prohibition, injunction or any other order, instead of appealing or making an objection to the Governor in Council, where an application for such an order would lie, but no proceedings by way of mandamus, certiorari, prohibition, injunction or other order shall be taken against the Governor in Council in respect of any such appeal or objection to the Governor in Council or any proceedings connected therewith.

65 References to the Sovereign

Any reference to the Sovereign or to the Crown shall be construed as a reference to the Sovereign for the time being.

66 Saving of rights of Crown

No written law of the Falkland Islands shall in any manner whatsoever affect the right of or be binding on the Crown unless it is therein expressly provided or unless it appears by necessary implication that the Crown is bound thereby.

PART IX TIME AND DISTANCE

67 Time

When any expression of time occurs the time referred to shall, unless it is otherwise expressly provided, be held to signify the standard time adopted for the Falkland Islands by order of the Governor.

68 References to "a.m." and "p.m."

The expression "a.m." indicates the period between midnight and the following noon, and the expression "p.m." indicates the time between noon and the following midnight. Where two such expressions occur conjunctively in relation to any specified hour or in conjunction with the word "sunset" or "sunrise", they shall be construed as relating to a consecutive period of time.

69 Provision where no time prescribed

Where no time is prescribed or allowed within which any thing shall be done, such thing shall be done without unreasonable delay, and as often as due occasion arises.

70 Computation of time

In computing time for the purposes of any written law of the Falkland Islands-

- (a) a period of days from the happening of any event or the doing of any act or thing shall be deemed to be exclusive of the day on which the event happens or the act or thing is done;
- (b) if the last day of the period is a non-business day the period shall include the next following day, not being a non-business day;
- (c) where any act or proceeding is directed or allowed to be done or taken on a certain day, then if that day is a non-business day, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next following day, not being a non-business day;
- (d) where an act or proceeding is directed or allowed to be done or taken within any time not exceeding six days, no non-business day shall be reckoned in the computation of that time.

[S. 2/Ord. 24/91/w.e.f. 19/12/91.]

71 Power to extend time

Where in any written law of the Falkland Islands a time is prescribed for doing an act or taking any proceeding and power is given to a court, public body, public officer or other authority to extend such time, then the power may be exercised by the court, public body, public officer or other authority although the application for the same is not made until after the expiration of the time prescribed.

[S. 2/Ord. 24/91/w.e.f. 19/12/91.]

72 Public holidays

[S.4/Ord. 1/23/w.e.f. 28.02.23]

(1) Good Friday, the first Monday in October and 1 January, 14 June, 14 November, 8 December, 25 December, 26 December and 27 December are public holidays, unless subsection (2) applies.

[S. 3/Ord. 5/02/w.e.f. 13/3/02] [S.4/Ord. 1/23/w.e.f. 28.02.23]

(2) Where in any year —

- (a) 1 January, 14 June, 14 November, 8 December or 25 December falls on a Saturday or Sunday, the next following Monday is a public holiday;
- (b) 26 or 27 December falls on a Saturday or a Sunday, or a Monday which is a public holiday by operation of paragraph (a), the next following day (or days, as the case may be) that are not a Sunday, or a Monday which is a public holiday by operation of paragraph (a), are public holidays.

[S.4/Ord. 1/23/w.e.f. 28.02.23]

(3) The Governor may by notice in the Gazette appoint any other day to be a public holiday.

(4) The Governor may by Order —

- (a) amend subsection (1) to add or remove a public holiday; and
- (b) make consequential amendments to subsection (2) where a public holiday is added or removed from subsection (1).

[S. 2/Ord. 24/91/w.e.f. 19/12/91] [S.4/Ord. 1/23/w.e.f. 28.02.23]

72A Effect of public holidays and other non-business days

Except to the extent provided by a written law of the Falkland Islands, it is not unlawful for any person to transact any business or do any other thing on a public holiday or other non-business day.

[S.5/Ord. 1/23/w.e.f. 28.02.23]

73 Power to suspend financial dealings

(1) If it appears to the Governor that it is necessary or expedient so to do in the national interest, he may by order give, with respect to a day specified in the order, all or any of the following directions, namely:

- (a) a direction that, subject to any exceptions for which provision may be made by the order, no person carrying on the business of a banker shall, except with permission granted by or on behalf of the Governor, effect on that day, in the course of that business, any transaction or, according as may be specified in the order, a transaction of such kind as may be so specified;
- (b) a direction that, subject as aforesaid, no person shall, on that day, except with permission so granted, deal in any foreign currency of such kind as may be so specified;

- (c) a direction that, subject as aforesaid, no person shall, on that day, except with permission so granted, deal in any gold;
- (d) a direction that, subject as aforesaid, no person shall, on that day, except with permission so granted, deal in silver bullion.

(2) A person who knowingly or recklessly contravenes a direction given by an order under subsection (1) of this section commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding the maximum of level 7 on the standard scale or to both such imprisonment and fine.

(3) For the purposes of this section "banker" includes any person licensed as a financial institution under the Banking Ordinance.

(4) ...

[S. 2/Ord. 24/91/w.e.f. 19/12/91] [S.6/Ord. 1/23/w.e.f. 28.02.23]

74 Distance

In the measurement of any distance for the purposes of any written law of the Falkland Islands except in so far as the context otherwise requires, that distance shall be measured in a straight line on a horizontal plane.

[S. 2/Ord. 24/91/w.e.f. 19/12/91.]

75 Warrants, etc., valid on public holiday

Any summons, notice, warrant or other process may be issued, served or executed and any arrest, search or seizure may be carried out or made on any day, whether a public holiday or not, and at any hour of the day or night.

PART X IMPERIAL ENACTMENTS i

76 ...

[S. 3(3)/Ord. 11/2017/w.e.f. 31/7/2017.]

77 ...

[S. 3(3)/Ord. 11/2017/w.e.f. 31/7/2017.]

78 ...

[S. 3(3)/Ord. 11/2017/w.e.f. 31/7/2017.]

79 ...

[S. 3(3)/Ord. 11/2017/w.e.f. 31/7/2017.]

80 ...

[S. 3(3)/Ord. 11/2017/w.e.f. 31/7/2017.]

81 ...

[S. 3(3)/Ord. 11/2017/w.e.f. 31/7/2017.]

82 ...

[S. 3(3)/Ord. 11/2017/w.e.f. 31/7/2017.]

83 ...

[S. 3(3)/Ord. 11/2017/w.e.f. 31/7/2017.]

84 ...

[S. 3(3)/Ord. 11/2017/w.e.f. 31/7/2017.]

PART XI FEES AND CHARGES

85 Fees and charges

(1) Where provision is made by any subsidiary legislation in respect of fees or other charges, such subsidiary legislation may provide for all or any of the following matters:

- (a) specific fees or charges;
- (b) maximum or minimum fees or charges;
- (c) maximum and minimum fees or charges;
- (d) the payment of fees or charges either generally or under specified conditions or in specified circumstances;
- (e) the exemption of any person or class of persons from the payment of fees or charges; and
- (f) the reduction, waiver or refund, in whole or in part, of any such fees or charges, either upon the happening of a certain event or in the discretion of a specified person.

(2) Where any reduction, waiver or refund, in whole or in part, of any fee or charge is provided for by any subsidiary legislation, such reduction, waiver or refund may be expressed to apply or be applicable either generally or specially-

- (a) in respect of certain matters or transactions or classes of matters or transactions;
- (b) in respect of certain documents or classes of documents;
- (c) in respect of the occurrence or the termination of any event;
- (d) in respect of certain persons or classes of persons;

- (e) in respect of any combination of such matters, transactions, documents, events or persons,

and may be expressed to apply or be applicable subject to such conditions as may be specified in the subsidiary legislation or in the discretion of any person specified therein.

86 Reduction, etc., of fees and charges

Any fee or charge made payable by or under any written law of the Falkland Islands to the Crown or the Government or to any public body or public officer, not being a fee or charge which is regulated by rules of court-

- (a) may be reduced or varied by order of the Governor:

Provided that no variation thereof shall cause such fee or charge to exceed the original figure;

- (b) may be remitted or refunded, in whole or in part, in any particular case and on any special ground by the Governor;
- (c) subject as aforesaid shall be paid into or from the Consolidated Fund of the Falkland Islands.

87 Collection of fees

(1) Where by any Ordinance the signature of the Governor or of any public officer is required to any certificate, authorization, consent, licence, permit or exemption, or any alteration, transfer or renewal thereof, addition thereto or endorsement thereon, or any copy of the same, and no fee for such signature is prescribed by law, there shall be payable for such signature such fee as the Governor may prescribe by notice in the Gazette.

(2) Where any Ordinance requires or authorizes the issue of any document by a public officer, such public officer may, subject to any directions of the Governor, issue a duplicate of such document, upon payment of such fee as may be prescribed by law or as the Governor may prescribe by notice in the Gazette if no fee is prescribed by law.

(3) Where any Ordinance requires or authorizes any alteration, transfer, or endorsement of or addition to any certificate, authorization, consent, licence, permit or exemption by a public officer, such fee shall be payable therefor as may be prescribed by law or as the Governor may prescribe by notice in the Gazette if no fee is prescribed by law.

(4) Where any extract of any document, book, record or instrument may be properly certified by a public officer as a true extract of such document, book, record or instrument, such fee shall be payable for the certifying of the extract by such officer as may be prescribed by law or as the Governor may prescribe by notice in the Gazette if no fee is prescribed by law.

88 Performance of acts for which payment is required

(1) Where any person, public officer, Government department or public body is required to do anything for which a fee is to be paid or a charge made under any written law of the Falkland Islands, such person, public officer, Government department or public body may decline to do that thing until the fee or charge is paid or, where the precise amount of the payment to be made

cannot be ascertained until the thing is done, until there be paid such amount as may be estimated to be the correct amount by the person, public officer or the responsible officer of the Government department or public body required to do the thing.

(2) Where a thing has been done for which an estimated amount has been paid, such amount shall be adjusted to the correct amount either by means of a further payment or by a refund of the amount overpaid.

PART XII MISCELLANEOUS

89 Disposal of penalties

Any penalty imposed by or under any written law of the Falkland Islands shall be paid into the Consolidated Fund.

90 Disposal of forfeits

(1) Where under any written law of the Falkland Islands any movable property is adjudged by any court or other authority to be forfeited, it shall be forfeited to the Crown, and the net proceeds thereof, if it is ordered by a competent authority to be sold, shall be paid into the Consolidated Fund.

[S. 3/Ord. 14/89/w.e.f. 4/8/89.]

(2) Nothing in this section shall affect any provision in any written law of the Falkland Islands whereby any portion of any forfeit or of the proceeds of any forfeit is expressed to be recoverable by any person or may be granted by any authority to any person.

91 Authenticity of copies of written laws

(1) A copy of any written law of the Falkland Islands if published in the Gazette or purporting to be printed by the Government Printer, is deemed to be an authentic copy of that written law as at the date of such publication or printing.

(2) A copy of any other instrument shall, if published in the Gazette or purporting to be printed by the Government Printer, on its production be admitted as prima facie evidence thereof in all courts and for all purposes whatsoever without any further proof.

[S. 14/Ord. 17/91/w.e.f. 26/6/91/[S.R. & O. 20/2017/w.e.f. 31/07/2017]

92 Forms

Where any form is prescribed by or under any Ordinance, deviations therefrom, not affecting the substance of such form, shall not invalidate it.

93 Rectification of errors

(1) The Attorney General may, by order published in the Gazette, correct any grammatical, punctuation, spelling or typographical error in any written law of the Falkland Islands.

[S.R. & O. 20/2017/w.e.f. 31/07/2017]

(2) Every order made under this section shall be laid on the table of the Legislative Assembly without unreasonable delay, and, if a resolution is passed at the next sitting of the Legislative Assembly held after the sitting at which the order is so laid that the order shall be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder, or to the making of a new order under subsection (1) of this section.

[S. 14/Ord. 17/91/w.e.f. 26/6/91 and Revision w.e.f. 31/07/2017.]

94 Declaration of town

The Governor in Council may, with the approval of the Secretary of State, declare any place to be a town, and define the extent, limits and boundaries of such town and of its suburbs, and vary or alter such extent, limits and boundaries:

Provided that no part of the boundaries of the town shall be more than two miles, nor the suburbs more than six miles from the centre of the town.

95 Division of the Falkland Islands into districts

The Governor in Council may, when it is considered convenient for the more efficient operation of any written law of the Falkland Islands, or any other purpose, divide, subdivide and re-divide the Overseas Territory into districts, or alter the boundaries of any such districts.

[Revision w.e.f. 31/07/2017]

SCHEDULE

...

[S.R. & O. 20/2017/w.e.f. 31/07/2017]

ⁱ In terms of section 2 of the Statute Law Revision Ordinance 7 of 2002, Part X of this Ordinance shall be deemed never to have had effect to apply the Charities Act 1993 or any provision of it to the Falkland Islands and shall not have such effect.