

THE INTERPRETATION ACT

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THE INTERPRETATION ACT

[1st April, 1968.]

Acts
8 of 1968,
3 of 1969,
29 of 1987.

1. This Act may be cited as the Interpretation Act. Short title.
2. In this Act unless the context otherwise requires— Interpreta-
tion.
“Act” used with reference to legislation means any statute enacted by the Legislature of the Island whether before or after the 1st April, 1968, and includes any regulations made thereunder.

General Principles of Interpretation

3. In this Act and in all Acts, regulations and other instruments of a public character relating to the Island, now in force or hereafter to be made, the following words and expressions shall have the meanings hereby assigned to them respectively, unless there is something in the subject or context inconsistent with such construction, or unless it is therein otherwise expressly provided— Interpreta-
tion of
terms
applicable
generally.
“act” used with reference to an offence or civil wrong, includes a series of acts, and words which refer to acts done extend to omissions;
“affidavit” includes any document in relation to which an affirmation or declaration has been made by any person allowed by law to affirm or to declare instead of swearing;
“Broad Seal” means the Broad Seal of Jamaica;
“Cabinet” means the Cabinet of Jamaica;
“Christian name” means any name prefixed to a surname, whether received in Christian baptism or otherwise;

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- “Circuit Court” means a Circuit Court constituted under the Judicature (Supreme Court) Act;
- “coin” means any coin legally current in Jamaica;
- “Collector of Taxes” includes Assistant Collector of Taxes;
- “Commonwealth” has the meaning assigned to it by the Constitution of Jamaica;
- “commencement” used with reference to an Act means the time at which the Act comes into operation;
- “committed for trial” used in relation to any person means committed to prison with the view of being tried before a Judge and jury by any authority having power to commit a person to prison with a view to his trial, and includes a person who is admitted to bail upon a recognizance to appear and take his trial before a Judge and jury;
- “Consolidated Fund” has the meaning assigned to it by the Constitution of Jamaica;
- “constable” includes all officers and sub-officers of the Jamaica Constabulary Force and all members of the Rural Police;
- “Consul” or “consular officer” includes Consul-General, Consul, Vice-Consul, Consular Agent and any person for the time authorized to discharge the the duties of a Consul-General, Consul, or Vice-Consul;
- “contravene”, in relation to any requirement or condition prescribed in any Act, or in any permit, licence, or other authority, granted under any Act, includes a failure to comply with that requirement or condition;
- “court” means any court of Jamaica of competent jurisdiction;

"court of summary jurisdiction" means--

- (a) any justice or justices of the peace to whom jurisdiction is given by any Act for the time being in force, or any Resident Magistrate sitting either alone or with other justices in a Court of Petty Sessions;
- (b) a Resident Magistrate exercising special statutory summary jurisdiction;

"Crown Agents" means the persons for the time being acting as Crown Agents for Oversea Governments and Administrations in England, or any of them;

"Custos" means the Custos Rotulorum of a parish, and where there is no substantive Custos, or where the substantive Custos is absent, means the person appointed by the Governor-General to act as Custos;

"financial year" means the twelve months ending the 31st March in any year;

"folio" means seventy-two words;

"*Gazette*" or "Government *Gazette*" or "Jamaica *Gazette*" means the Jamaica *Gazette* published by order of the Government and includes any Supplements thereto and any *Gazette* Extraordinary so published;

"gazetted" means published in the *Gazette*;

"general notice" means any announcement not of a legislative character made by or with the authority of the Government in the *Gazette*;

"Government" means the Government of Jamaica;

"Government Printer" means the Government Printer of Jamaica, and includes any printer purporting to be the printer authorized by Government to print Acts and regulations;

"Governor-General" means the Governor-General of Jamaica;

"Governor-General in Council" means Governor-General acting in accordance with the advice of the Cabinet;

"His Majesty" or "Her Majesty", "the King" or "the Queen" or "the Crown" means His Majesty the King or Her Majesty the Queen, the Sovereign for the time being and includes the predecessors and the heirs and successors of such King or Queen;

"house" includes every messuage, part of a messuage, house, part of a house, building, or other construction, whether wholly or in part above or below the surface of the ground, inhabited or occupied either by day or by night by man, whether beneficially or otherwise, or intended to be so inhabited or occupied;

"the Island" or "this Island" means Jamaica and where the circumstances so require, includes reference to the former Colony of Jamaica;

"Jamaica" has the meaning attributed to that expression in the Jamaica Independence Act, 1962;

"a justice" or "a justice of the peace" means a person appointed by the Governor-General to be a justice of the peace for the parish in which the matter requiring the cognizance of a justice arises;

"land" and "premises" include all tenements or hereditaments, and also all messuages, houses, buildings, or other constructions, whether the property of Her Majesty, her heirs or successors, or of any corporation, or of any private individual, except where there are words to exclude houses and other buildings;

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Cap. 40.

"Minister" means either the Minister appointed under section 70 or a temporary Minister appointed under section 73 of the Constitution of Jamaica, and charged for the time being with responsibility for the department or subject to which the context refers:

Provided that where a definition of this expression is provided in any Act (other than this Act) the Prime Minister may by order repeal or vary such definition;

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S 2.

"oath" includes affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing;

"to occupy" includes, in addition to its ordinary signification, to use, inhabit, possess or enjoy the premises in respect whereof that verb is used, otherwise than as a mere servant and for the mere purpose of the care, custody, and charge, thereof;

"person" includes any corporation, either aggregate or sole, and any club, society, association or other body, of one or more persons;

"prescribed" means prescribed by the Act in which the word occurs or by any regulations made thereunder, and, in relation to any regulations, where no other authority is empowered in that behalf in the Act, means prescribed by the Governor-General in Council;

"Prime Minister" means the Prime Minister of Jamaica and includes the Minister for the time being authorized pursuant to section 72 of the Constitution of Jamaica to perform the functions of the Prime Minister;

"proclamation" means a proclamation of the Governor-General under the Broad Seal;

- “property” includes money, goods, things in action, land and every description of property, whether real or personal; also obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as above defined;
- “public general holiday” means any day which under the provisions of any Act for the time being in force, is or is declared to be, or is proclaimed as, a public general holiday;
- “public place” includes every public highway, street, road, square, court, alley, lane, bridleway, footway, parade, wharf, jetty, quay, bridge, public garden or open space, and every 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 access;
- “recorded”, used with reference to a document, means recorded under the provisions of the Act applicable to the recording of such document;
- “registered”, used with reference to a document, means recorded under the provisions of the Act applicable to the registration of such document;
- “regulations” includes rules, by-laws, proclamations, orders, schemes, notifications, directions, notices and forms;
- “repeal” includes revoke or cancel;
- “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 or orders regulating the practice and procedure of such court;
- “sell” includes exchange and barter;
- “ship” means every description of vessel used in navigation not exclusively propelled by oars;

“sign” with reference to a person who is unable to write his name, includes “mark” with its grammatical variations and cognate expressions;

“statute” includes an Act of the United Kingdom Parliament;

“street” or “road” includes any public highway, street, road, thoroughfare, square, court, alley, lane, bridleway, footway, parade, passage, or open place used or frequented by the public, or to which the public have or are permitted to have access;

“summarily”, “in a summary manner” or “on summary conviction” means respectively before a court of summary jurisdiction;

“Supreme Court” means the Supreme Court of Jamaica;

“swear” includes to affirm or to declare in the case of any person allowed by law to affirm or to declare instead of swearing;

“Treasury” means the Department of the Accountant-General;

“United Kingdom” means Great Britain and Northern Ireland;

“vessel” includes any ship, boat, lighter, or other floating craft, used for transport by water;

“voluntary declaration” or “statutory declaration” if made—

(a) in the Island, means a declaration made under the Voluntary Declarations Act;

(b) in the United Kingdom or any other Commonwealth country beyond the Island, means a declaration made before a justice of the peace, notary public, or other person having authority therein under any law for the time being in force to take or receive a declaration;

- (c) in any other place, means a declaration made before a Jamaican or British Consul or Vice-Consul, or before any person having authority under any statute for the time being in force to take or receive a declaration;

“will” includes codicil;

“writing” includes printing, lithography, typewriting, photography and other modes of representing or reproducing words or figures in visible form;

“year” and “month” means respectively a year or a month reckoned according to the British calendar.

General interpretation of gender and number.

4. In this Act and in all Acts, regulations and other instruments of a public character relating to the Island now in force or hereafter to be made, unless there is something in the subject or context inconsistent with such construction, or unless it is therein otherwise expressly provided—

- (a) words importing the masculine gender include females; and
- (b) words in the singular include the plural, and words in the plural include the singular.

References to public officers by title of office.

5. A reference in any Act to any public officer by the usual title of his office shall, if there be such an office customarily in Jamaica and unless the contrary intention appears, be read and construed as referring to the person for the time being holding or carrying out the duties of that office in Jamaica.

References to the Crown.

6. In any Act references to the Sovereign reigning at the time of the passing of the Act or to the Crown shall, unless the contrary intention appears, be construed as references to the Sovereign for the time being.

7.—(1) Whenever any expression of time occurs in any Act, deed or other legal instrument, the time referred to shall, unless it is otherwise expressly provided, be held to signify the standard time adopted for Jamaica; and for such purpose the Governor-General in Council may by order declare the standard time for Jamaica.

Standard
time: and
references
to sunrise
and sunset.

(2) Where a general notice is published specifying the hour of sunrise or sunset in respect of any day the reference in any Act to the hour of sunrise or sunset shall, in relation to any part of Jamaica, unless the context otherwise requires, be deemed in respect of that day to refer to the hour specified in the general notice.

8.—(1) In computing time for the purpose of any Act, unless the contrary intention appears—

Compu-
tation of
time.

- (a) a period of days from the happening of an event or the doing of any act or thing shall be deemed to be exclusive of the day in which the event happens or the act or thing is done;
- (b) if the last day of the period is Sunday or a public holiday (which days are in this section referred to as excluded days) the period shall include the next following day, not being an excluded day;
- (c) when any act or proceeding is directed or allowed to be done or taken on a certain day, then if that day happens to be an excluded 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 an excluded day;
- (d) when an act or proceeding is directed or allowed to be done or taken within any time not exceeding six days, excluded days shall not be reckoned in the computation of the time.

(2) In this section "public holiday" means any public general holiday and includes Good Friday and Christmas Day.

Provisions
where no
time pre-
scribed.

9. Where no time is prescribed or allowed within which anything shall be done, such thing shall be done with all convenient speed, and as often as the prescribed occasion arises.

Measure-
ment of
distances.

10. In the measurement of any distance for the purpose of any Act, that distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane.

References
to the
number of
a line.

11. A reference in any Act to the number of a line of any section of any Act means such line in the latest official printed copy of such Act at the time of the passing of the Act containing such reference.

Definitions
subject to
context and
to apply to
regulations,
etc.

12.—(1) Where expressions are defined in or for the purposes of any Act, such expressions shall have the meanings assigned to them, unless there is anything in the subject or context repugnant to, or inconsistent with, such meaning.

(2) Where expressions defined for the purposes of or used in any Act are used in any regulations or instrument made under such Act such expressions shall have the respective meanings assigned to them by the Act, unless there is anything in the subject or context repugnant to, or inconsistent with, such meaning.

(3) Where a word is defined in or for the purposes of any Act, other parts of speech and grammatical variations of that word, and cognate expressions, shall have corresponding meanings in or for the purposes of that Act.

Commencement and Citation of Acts

13.—(1) A copy of every Bill which may be passed by Parliament shall immediately after it is so passed be printed by the Government Printer on vellum or some durable paper and shall, if such be the case, be authenticated by the Clerk of either House of Parliament as being a true and correct copy of the Bill which was passed.

Authenticated copy and assent to Bills.

(2) Where the Governor-General assents to any Bill so passed, his assent shall be made on the authenticated copy and that copy shall then be forwarded to the Deputy Keeper of the Records for the purposes of record.

14. In the case of every Bill which may hereafter be passed in Jamaica the Governor-General shall, on assenting thereto, cause a notification of such assent to be published in the *Gazette*.

Notification of assent to be published.

15.—(1) Every Act shall, unless it is otherwise therein expressly provided, come into operation on the day of the publication of the notification of assent.

Commencement of Act on publication of assents, etc.

(2) The date on which an Act comes into operation, whether under the provisions of this section or according to the express provisions contained in the Act, shall be written on the original of the Act and on all copies thereof in some convenient place near the heading thereof.

16. Where any Act, or part of an Act, or any regulations made thereunder come or comes into operation on a particular day, it shall be deemed to have come or shall come into operation immediately on the expiration of the day next preceding such day.

Moment when Act or regulations comes into operation.

17. When any Act is referred to, it shall be sufficient for all purposes to cite such Act either by the short title (if any) by which it is made citable, or by the year in which it was

Mode of citing Acts.

made and its number among the Acts of that year, or in the case of a revised edition of the laws issued under any Act providing for the issue of a revised edition, by its short title or its chapter number; and the reference may in all cases be made according to the copies of Acts printed by the Government Printer.

**References
in Acts.**

18.—(1) A reference in an Act by number or letter to a Part, section, subsection, paragraph, sub-paragraph or other division of another enactment shall be construed as a reference to such Part, section, subsection, paragraph, sub-paragraph or other division of such other enactment as printed by authority of law.

(2) Where in an Act reference is made to a Part, division, section, schedule or form without anything in the context to indicate that a reference to a Part, division, section, schedule or form of some other enactment is intended, the reference shall be construed as a reference to a Part, division, section, schedule or form of the Act in which the reference is made.

(3) Where in a section of an Act reference is made to a subsection, paragraph, sub-paragraph or other division without anything in the context to indicate that a reference to a subsection, paragraph, sub-paragraph or other division of some other section or provision is intended, the reference shall be construed as a reference to a subsection, paragraph, sub-paragraph or other division of the section in which the reference is made.

(4) Where in a schedule or Part of a schedule to an Act reference is made to a paragraph, sub-paragraph or other division without anything in the context to indicate that a reference to a paragraph, sub-paragraph or other division of some other provision is intended, the reference shall be construed as a reference to the paragraph, sub-paragraph or

other division of the schedule or the Part of the schedule in which the reference is made.

(5) Where in an Act reference is made to any regulations, without anything in the context to indicate that a reference to regulations made under some other enactment is intended, the reference shall be construed as a reference to regulations made under the Act in which the reference occurs.

19. If it is provided that any Act may, as to the whole or any part thereof, be cited— Collective titles.

(a) with any other Act to form a group of Acts; or

(b) with any group of Acts,

that group shall be construed as including that Act or part, and the collective title of the group shall state the year of the first Act in the group and the year of the last Act in the group; and as often as any subsequent Act is added to that group the year in which the subsequent Act is passed shall be substituted for the last year of the group.

20. In any Act a description or citation of a portion of another Act, shall, unless the contrary intention appears, be construed as including the word, section, or other part, mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation. Words to be included in citation of portion of Act.

Operation of Enactments

21. Every Act (which expression in this section does not include regulations) shall be a public Act and shall be judicially noticed as such, unless the contrary is expressly provided by the Act. Acts to be public Acts and judicially noticed.

22. Every section of an Act shall have effect as a substantive enactment without introductory words. Provisions to be substantive enactments.

Repeal of a
repealing
enactment.

23. Where an Act, whether before or after the 1st April, 1968, repeals a repealing enactment, it shall not be construed as reviving any enactment previously repealed, unless words are added reviving that enactment.

Repeal and
substitution.

24. Where an Act repeals wholly or partially any former Act and substitutes provisions for the Act repealed, the repealed Act shall remain in force until the substituted provisions come into operation.

Effect of
repeal.

25.—(1) Where any Act repeals and re-enacts, with or without modification, any provision of any Act in force, references in any other Act to the provision so repealed shall, unless the contrary intention appears, be construed as references to the provision so re-enacted.

(2) Where any Act repeals any other enactment, then, unless the contrary intention appears, the repeal shall not—

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

penalty, fine, forfeiture or punishment may be imposed, as if the repealing Act had not been passed.

26. Where by virtue of any enactment the whole or a part of an Act has expired or lapsed or otherwise ceased to have effect that Act shall be deemed to have been repealed to the extent to which it has so expired, lapsed or otherwise ceased to have effect.

Provisions
ceasing to
have
effect,
deemed to
be
repealed.

27. Where any section conferring a power to make regulations is repealed (whether before or after the coming into operation of this Act) and other provisions, which include a power to make regulations, are substituted therefor, but the Act of which such section formed a part is not itself repealed, then all regulations made under the repealed section, and in force at the time of such repeal, shall continue good and valid as if made under the substituted provisions in so far as they are not inconsistent with the Act as amended or are not varied or revoked by regulations made by virtue of the substituted provisions.

Effect of
repeal and
re-enact-
ment of
regulation
making
section.

28.—(1) Subject to subsection (2) where an Act passed after the 1st April, 1968, contains words establishing, or providing for the establishment of, a body corporate and applying this section to that body those words shall operate—

Effect of
words of
incorpora-
tion.

(a) to vest in that body when established—

- (i) the power to sue in its corporate name;
- (ii) the power to enter into contracts in its corporate name, and to do so that, as regards third parties, the body shall be deemed to have the same power to make contracts as an individual has;
- (iii) the right to have a common seal and to alter or change that seal at pleasure;

- (iv) the right to acquire and hold any real or personal property for purposes for which the body is constituted and to dispose of or charge such property;
 - (v) the right to regulate its own procedure and business; and
 - (vi) the right to employ such staff as may be found necessary for the performance of its functions;
- (b) to make that body liable to be sued in its corporate name;
 - (c) to require that judicial notice shall be taken of the common seal of that body, and that every document purporting to be a document sealed by that body and to be attested in accordance with the statutory provisions, if any, applicable to the attestation of documents so sealed shall, unless the contrary is proved, be received in evidence and be deemed to be such a document without further proof;
 - (d) to vest in a majority of the members of that body the power, subject to any quorum fixed by the enactment under which it is established or by any relevant standing orders, to bind other members thereof; and
 - (e) to exempt from personal liability for the debts, obligations or acts of that body, such members thereof as do not contravene the provisions of the Act under which the body is established.

(2) The application of this section to a body corporate shall not—

- (a) prevent the powers, rights and liabilities, conferred or imposed, as the case may be, by virtue of such application, being varied by any enactment; or

- (b) prejudice or affect any liability of any member of that body to be surcharged with the payment of any amount which may be disallowed, by an auditor acting in pursuance of any statutory provision, in the accounts of that body.

Provisions as to Regulations

29. Where an Act confers power on any authority to make or issue regulations, the following provisions shall, unless the contrary intention appears, have effect with reference to the making, issue and operation of such regulations--

Provisions
as to
making of
regulations.

- (a) a regulation may be at any time amended, varied, suspended, rescinded or revoked by the same authority and in the same manner by and in which it was made;
- (b) the regulations may provide in respect of a breach of any of the provisions thereof that the offender shall, unless the Act otherwise provides, be liable to such fine not exceeding one thousand dollars, or to such term of imprisonment with hard labour not exceeding three months, or to both such fine and imprisonment, as may be therein prescribed;
- (c) where any Act confers power on any authority to make regulations for any general purpose, and also for any special purposes 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;
- (d) no regulation shall be inconsistent with the provisions of any Act;
- (e) any breach of any regulation may, unless the Act otherwise provides, be prosecuted in a summary manner;

- (f) any reference in any regulation to “the Act” shall be read and construed as meaning the Act conferring the power to make or issue such regulations.

Definition
for legisla-
tive
purposes.

30.—(1) In this section the expression “statutory period” means in relation to any regulations a period of twenty-one days beginning on the day on which the regulations were laid before the Senate or the House of Representatives (as the case may require) and reckoned without regard to—

- (a) any period during which the Parliament is dissolved or prorogued;
- (b) any period during which the House is adjourned—
 - (i) as respects the Senate, for more than six days;
 - (ii) as respects the House of Representatives, for more than four days;
- (c) whether the days are comprised—
 - (i) in one or more than one Session of Parliament;
 - (ii) partly in a Session of Parliament which is dissolved and partly in a Session of the succeeding Parliament.

(2) The expression “subject to affirmative resolution” when used in relation to any regulations shall mean that those regulations are not to come into operation unless and until affirmed by a resolution of each House of Parliament.

(3) The expression “subject to affirmative resolution of the House of Representatives” when used in relation to regulations shall mean that those regulations are not to come into operation unless and until affirmed by a resolution of that House.

(4) The expression "subject to negative resolution" when used in relation to any regulations shall mean that those regulations, as soon as may be after they are made, are to be laid before each House of Parliament, and if either House, within the statutory period next after any such regulations have been so laid, resolves that the regulations be annulled, the regulations shall be void as from the date of the resolution, but without prejudice to the validity of anything done thereunder or to the making of new regulations.

(5) The expression "subject to negative resolution of the House of Representatives" when used in relation to any regulations shall mean that those regulations as soon as may be after they are made, are to be laid before that House, and if that House, within the statutory period next after any such regulations have been so laid, resolves that the regulations be annulled, the regulations shall be void as from the date of the resolution, but without prejudice to the validity of anything done thereunder or to the making of new regulations.

31.—(1) All regulations made under any Act or other lawful authority and having legislative effect shall be published in the *Gazette* and unless it be otherwise provided shall take effect and come into operation as law on the date of such publication.

Commence-
ment and
proof of
regulations.

(2) The production of a copy of the *Gazette* containing any regulations shall be *prima facie* evidence in all courts and for all purposes of the due making and tenor of such regulations.

32. An act shall be deemed to be done under an Act or by virtue of the powers conferred by an Act or in pursuance or execution of the powers of, or under the authority of, an Act if it is done under or by virtue of or in pursuance of any

Acts done
under regu-
lations
deemed
done under
Act.

regulation made or issued under any power contained in such Act.

Provisions as to Powers

Exercise of powers between passing and commencement of Act.

33. Where any Act is not to come into operation immediately on the passing thereof, and confers power to make any appointment, or to make, grant or issue any regulations or instruments, or to do any other thing for the purpose of the Act, that power may, unless the contrary intention appears, be exercised at any time after the passing of the Act, so far as may be necessary or expedient for the purpose of bringing the Act into operation at the date of the commencement thereof, subject to the restriction that any regulations or instruments made, granted or issued under the power shall not, unless the contrary intention appears in the Act, or the regulations or instruments are necessary for bringing the Act into operation, have any effect until the Act comes into operation.

Construction of provisions as to exercise of powers, etc.

34.—(1) Where any Act confers a power or imposes a duty, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(2) Where any Act confers a power or imposes a duty on the holder of an office, as such, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed by the holder for the time being of the office or by a person appointed to act for him.

Power to appoint includes power to suspend or dismiss.

35. Where by or under any Act a power to make any appointment is conferred, then, unless the contrary intention appears, the authority having power to make the appointment shall also have power to remove, suspend, reappoint or reinstate any person appointed in exercise of the power.

36.—(1) Where by or under any Act, any powers are conferred or any duties are imposed upon a public officer, the Governor-General may direct, if from any cause the office of such public officer is vacant or if during any period, owing to absence or inability to act from illness or any other cause, such public officer is unable to exercise the powers or perform the duties of his office, that such powers shall be had and may be exercised and such duties shall be performed by the person named by, or by the public officer holding the office designated by, the Governor-General; and thereupon such person or public officer, during any such period, shall have and may exercise such powers and shall perform such duties, subject to such conditions, exceptions and qualifications as the Governor-General may direct.

Power to fill vacancy temporarily.

(2) Where by or under any Act a power to make any appointment to an office is conferred, the authority having that power may if—

(a) the office is vacant; or

(b) for any reason the substantive holder of the office is unable to perform the functions thereof,

direct that those functions shall be performed by such person and during such period as the authority may prescribe (not exceeding the period for which an appointment to fill the vacancy, if any, could have been made); and any reference in any enactment, instrument or document whatsoever to the holder of the office shall during such period be construed as a reference to the person so prescribed.

37. Where the provisions of any Act either expressly or by implication limit the number of persons who may at any time be appointed to or hold an office, such provisions shall not, if any substantive holder of the office is on leave of absence pending relinquishment of office, prevent the substantive appointment of another person to such office or the discharge by such other person of the functions of the

Power to make overlapping appointments.

office; and, if such an appointment is made, the fact that temporarily there is more than one holder of such office shall not prevent both the period of leave of the retiring holder of the office and the period of service of his successor during such leave from being treated as pensionable service for the purposes of any Act permitting the grant of retiring benefits in respect of service in such office.

Power to
appoint
chairman.

38. Where by or under any Act, power is given to the Governor-General in Council, or to the Governor-General or a Minister, or to any public officer or body, to appoint any board, tribunal, commission, committee, or similar body, it shall be lawful for the Governor-General in Council, or the Governor-General or the Minister, or such public officer or body, in the absence of any provision to the contrary, to appoint a chairman of such board, tribunal, commission, committee, or similar body.

Power to
appoint
by official
designation.

39. Where by or under any Act, the Governor-General in Council, or the Governor-General or a Minister, or any public officer or body, is empowered to appoint or name a person to be a member of any board, tribunal, commission, committee or similar body, or to have and exercise any powers or perform any duties, the Governor-General in Council, or the Governor-General or the Minister, or such public officer or body, may either appoint a person by name or direct the person for the time being holding the office designated by the Governor-General in Council, or by the Governor-General or by the Minister, or by such public officer or body, to be a member of such board, tribunal, commission, committee, or similar body, or to have and exercise such powers and perform such duties; and thereupon, or from the date specified by the Governor-General in Council, or by the Governor-General or the Minister, or by such public officer or body, the person appointed by name or the person for the time being holding such office shall be

a member of such board, tribunal, commission, committee, or similar body, or shall have and may exercise such powers and perform such duties accordingly.

40. Where in any Act power is given to any person to do or enforce the doing of any act or thing all such powers shall be understood to be also given as are reasonably necessary to enable the person to do or enforce the doing of the act or thing.

Construction of enabling words.

Provisions as to United Kingdom Acts

41. All such laws and Statutes of England as were, prior to the commencement of 1 George II Cap. 1, esteemed, introduced, used, accepted, or received, as laws in the Island shall continue to be laws in the Island save in so far as any such laws or statutes have been, or may be, repealed or amended by any Act of the Island.

English Laws in force in the Island.

42. Where in any Act reference is made to any provision of a United Kingdom Act and that provision is subsequently repealed and re-enacted without substantial modification, the reference in such Act to the provision of the Act so repealed shall, if the context so requires and unless the contrary intention appears, be construed as a reference to the provision so re-enacted.

Reference in Act to provision of United Kingdom Act.

43. Where any United Kingdom Act is in force in the Island, such Act shall be read with such formal alterations as to names, localities, courts, officers, persons, moneys, penalties and otherwise as may be necessary to make it applicable to the circumstances.

United Kingdom Acts to be read with necessary modification.

Provisions as to Penalties

44. Where any fine or penalty is imposed by or under the authority of any Act it shall be implied that the amount of such fine or penalty is the maximum amount; and where

Statement of penalty means maximum penalty.

by any Act any person may be sentenced to any term of imprisonment it shall be implied that such term of imprisonment is the maximum term.

Penalty at foot of section indicates maximum penalty for contravention of section.

45. Where in any Act any fine, penalty or term of imprisonment is set out at the foot of any section it shall indicate that any contravention of the section, whether by act or omission, shall be an offence against that Act and shall, unless the contrary intention appears, be punishable by a fine, penalty or term of imprisonment not exceeding the amount or term stated.

Payment of portion of penalty by direction of Governor-General.

46. Subject to the express provisions of any Act, where any fine or penalty is imposed by or under the authority of any Act, every such fine or penalty shall be payable into the Consolidated Fund, but the Governor-General may direct the payment to any aggrieved person, or to any person whose information or evidence has led to the conviction of the offender or to the recovery of the fine or penalty, of such proportion of the fine or penalty as he may think fit.

Disposal of forfeits.

47.—(1) Where under any Act any animal or thing is adjudged by any court or other authority to be forfeited, it shall, unless the contrary is otherwise provided or unless it is expressed by law to be forfeited to any person, be forfeited to the Crown, and the net proceeds thereof, if it is ordered by competent authority to be sold, shall be paid into the Consolidated Fund, unless other provision is made.

(2) Nothing in this section shall affect any provision in any Act whereby any portion of any fine or 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.

Imposition of sentence.

48. Where jurisdiction is given to a court to impose a sentence of imprisonment any sentence so imposed may,

unless the context otherwise requires, be with hard labour or without hard labour as the court thinks fit.

Provisions as to Offences

49.—(1) Where any act or omission constitutes an offence Offences. under two or more Acts, or both under an Act and under the common law, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of those Acts or under the common law, but shall not be liable to be punished twice for the same offence.

(2) Where an offence under any Act passed after the 1st April, 1968, has been committed by a body corporate the liability of whose members is limited, then notwithstanding and without prejudice to the liability of that body, any person who at the time of such commission was a director, general manager, secretary or other similar officer of that body or was purporting to act in any such capacity shall, subject to subsection (3) be liable to be prosecuted as if he had personally committed that offence and shall, if on such prosecution it is proved to the satisfaction of the court that he consented to, or connived at, or did not exercise all such reasonable diligence as he ought in the circumstances to have exercised to prevent the offence, having regard to the nature of his functions in that capacity and to all the circumstances, be liable to the like conviction and punishment as if he had personally been guilty of that offence.

(3) A person shall not be charged under subsection (2) except upon the direction of the Director of Public Prosecutions.

(4) An Act creating criminal liability for an act or omission which, apart from that Act, would give rise to civil liability shall not, in the absence of express provision to the contrary, operate to prejudice the civil liability; but

this subsection shall not be construed as excluding the application of any rule of law which restricts the right to take civil proceedings in respect of an act or omission which constitutes a felony.

Attempt to
commit an
offence to be
deemed an
offence.

50. A provision which constitutes an offence shall, unless the contrary intention appears, be deemed to provide also that an attempt to commit such offence shall be an offence against such provision, punishable as if the offence itself had been committed.

Miscellaneous

Change in
title of
public
office.

51. Whenever any change in title of any public office occurs, the Minister, if occasion requires, may by notice in the *Gazette* declare that such change of title shall take effect from a date specified in such notice, and, with effect from such date, any reference in any Act or other instrument of a public character to the former title of such office, shall be read and construed as a reference to that office by such new title as the Minister may declare in such notice.

Service of
documents.

52.—(1) Where any Act authorizes or requires any document to be served by post, whether the expression “serve”, “give” or “send” or any other expression is used, then, unless a contrary intention appears, the service shall be deemed to be effected by properly addressing, prepaying and posting a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

(2) Where an Act authorizes or requires a document to be served on any person without directing it to be served in a particular manner the service of that document may be effected either—

(a) by personal service; or

(b) by post in accordance with subsection (1); or

- (c) in the case of a corporate body or of any association of persons (whether incorporated or not), by delivering it to the secretary or clerk of the body or association at the registered or principal office of the body or association or serving it by post on such secretary or clerk at such office; or
- (d) if it is not practicable after reasonable enquiry to ascertain the name or address of an owner, lessee, or occupier of premises on whom the document should be served, by addressing the document to him by the description of "owner" or "lessee" or "occupier" of the premises (identifying them) to which the document relates, and by delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it to some conspicuous part of the premises.

53. Where power is given to the Governor-General in Council to make regulations, it shall be sufficient, unless it is otherwise expressed, for such regulations to be signified under the hand of the Secretary to the Cabinet :

Significa-
tion of
orders of
Governor-
General.

Provided that any proclamation, warrant, or other instrument issued under the Broad Seal, shall be issued under the hand of the Governor-General himself.

54. Save as is otherwise expressly provided by any Act, whenever any act or thing is required to be done by more than two persons, a majority of them may do it.

Power of
majority.

55. Where any Act is divided into Parts, Titles, or other divisions, the fact and particulars of such division shall with or without express mention thereof in any Act, be taken notice of in all courts and for all other purposes whatsoever.

Division
of Act
into
Parts.

Construction of preamble and Schedules of Acts.

56.—(1) The preamble of any Act may be referred to for assistance in explaining the scope and object of the Act.

(2) Every Schedule or Table to any Act, or part of any Act, shall, together with any notes thereto, be construed and have effect as part of the Act.

Deviations in forms.

57. Whenever forms are prescribed in any Act slight deviations therefrom, not affecting the substance or calculated to mislead, shall not invalidate them.

Construction of amending Act with amended Act.

58. Where one Act amends another Act the amending Act shall, so far as it is consistent with the tenor thereof, and unless the contrary intention appears, be construed as one with the amended Act.

Reprint of amended Acts.

59. When any Act is amended it shall be lawful for the Government Printer with the authority of the Governor-General to print copies of the Act with all the necessary additions, omissions, substitutions and amendments effected by the amending Act or Acts and such copies shall be deemed to be authentic copies of the Act so amended.

Notification of enactment and sale of regulations, etc.

60. Where any regulation or other instrument of a public character is required either expressly or by implication to be published or notified in the *Gazette*, a notice in the *Gazette* that such regulation or other instrument has been made and of the place where copies thereof can be purchased or perused shall be sufficient compliance with such requirement.

Evidence of signature of Attorney-General or the Director of Public Prosecutions.

61. Whenever the fiat of the Attorney-General or the Director of Public Prosecutions is necessary before any prosecution or action is commenced, any document purporting to bear the fiat of the Attorney-General or the Director of Public Prosecutions shall be received as *prima facie* evidence in any proceeding without proof being given

that the signature to such fiat is that of the Attorney-General or the Director of Public Prosecutions.

62. Any Act may be altered, amended, or repealed, in the same Session of Parliament.

Amendment
or repeal
in same
Session.

63. No Act shall in any manner whatsoever affect the right of the Crown, unless it is therein expressly stated, or unless it appears by necessary implication, that the Crown is bound thereby.

Saving
of rights
of the
Crown.

64.—(1) In this section—

“mandated territory” means territory in respect of which a mandate from the League of Nations was accepted by Her Majesty, being territory under the administration of Her Majesty’s Government in the United Kingdom or by the Government of any part of the Commonwealth;

Mandated
territories
construc-
tion of
enactments.

“trust territory” means territory administered by Her Majesty’s Government in the United Kingdom or by the Government of any part of the Commonwealth under the trusteeship system of the United Nations.

(2) Where any enactment (whether passed before or after the termination of the League of Nations) refers in whatever terms to mandated territories (or to a particular mandated territory) then notwithstanding that such territory may have become a trust territory since the termination of the League of Nations, Mandates of the League of Nations shall not for the purposes of that enactment be deemed to have come to an end with the termination of the League.

(3) This section shall be deemed to have had effect from the date of the termination of the League of Nations.

65. This Act shall be binding on the Crown.

Act binding
on Crown.

Supplemental

Saving for
past Acts.

66. The provisions of this Act which are expressed to apply to Acts passed after the 1st April, 1968, shall not affect the construction of any Act passed before that date, although it is continued or amended by an Act passed subsequently.