

CAYMAN ISLANDS



INTERPRETATION LAW

(CAP. 70)

(1995 Revision)

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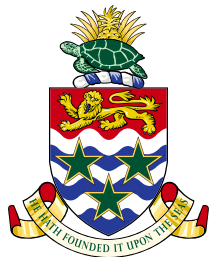
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CAYMAN ISLANDS



INTERPRETATION LAW
(1995 Revision)

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CAYMAN ISLANDS



INTERPRETATION LAW

(1995 Revision)

ENACTED by the Legislature of the Cayman Islands.

Preliminary

Short title

1. This Law may be cited as the *Interpretation Law (1995 Revision)*.

Definition

2. In this Law —

“**Law**” means any Law and any regulations made thereunder, and any prerogative Order of the Sovereign in Council applicable exclusively to the Islands, whether enacted before or after the commencement of this Law.

General principles of interpretation

Interpretation of terms applicable generally

3. (1) In this Law and in all Orders in Council, Laws, proclamations, regulations, rules, bye-laws, orders, directions, notices, forms and other instruments of a public character relating to the Islands, 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 —

“**Act**” used with reference to legislation includes an Act of the Imperial Parliament;

“**act**” used with reference to an offence or civil wrong, includes a series of acts, and words which refer to acts done extend to illegal 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;

“**British possession**” means any British Dependent Territory, Colony or protectorate, or any protected state, or any territory in respect of which a Mandate is being exercised by Her Majesty’s Government in the United Kingdom or the Government of any part of Her Majesty’s dominions;

“**Christian name**” means any name prefixed to a surname, whether received in Christian baptism or otherwise;

“**coin**” means any coin legally current in the Islands;

“**commencement**”, used with reference to a Law, means the time at which the Law comes into operation;

“**common law**” means the common law of England;

“**constable**” means any officer, sub-officer or member of the Royal Cayman Islands Police Force;

“**consul**” or “**consular officer**” includes Consul-General, Consul, Vice-Consul, Consular Agent and any person for the time being authorised to discharge the duties of a Consul-General, Consul or Vice-Consul;

“**contravene**”, in relation to any requirement or condition prescribed in any Law, or in any permit, licence or other authority granted under any law, includes a failure to comply with that requirement or condition;

“**court**” means any court of the Islands of competent jurisdiction;

“**court of summary jurisdiction**” means a court established by section 3 of the *Summary Jurisdiction Law [Law 10 of 1975]*;

“**Crown Agents**” means the persons for the time being acting as Crown Agents for Overseas Governments and Administrations in England, or any of them;

“**Dependent Territory**” or “**Colony**”, used with reference to any place other than the Islands, includes a British Protectorate or protected state and any territory under British mandate;

“**financial year**” means the twelve months ending the 31st December in any year;

“**Gazette**” means a Government Notice;

“**gazetted**” means published by Government Notice;

“**Government**” means the Government of the Islands;



“**Governor**” means the person for the time being holding the office of Governor of the Islands, and includes any person for the time being lawfully performing the functions of that office under section 1 of Schedule 2 to the *Cayman Islands (Constitution) Orders 1972 to 1993* [U.K.S.I.’S 1972/1101; 1984/126; 1987/2199, 1992/226 and 1993/3143], and to the extent to which a Deputy appointed under section 4 of Schedule 2 to the *Cayman Islands (Constitution) Orders 1972 to 1993* is authorised to act, that Deputy;

“**Governor in Council**” means the Governor acting in accordance with the advice of the Executive Council of the Islands;

“**Grand Court**” means the Grand Court constituted under section 49H of Schedule 2 to the *Cayman Islands (Constitution) Orders 1972 to 1993*;

“**His Majesty**”, “**Her Majesty**”, “**the King**”, “**the Queen**” or “**the Crown**” means His Majesty the King or Her Majesty the Queen, the Sovereign for the time being of Great Britain and Northern Ireland and the British dominions beyond the seas, 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;

“**Imperial Act**” means an Act passed by the Imperial Parliament and assented to by Her Majesty;

“**Imperial Parliament**” or “**Parliament**” means the Parliament of the United Kingdom;

“**the Islands**” means the Cayman Islands;

“**a Justice**” or “**a Justice of the Peace**” means a person appointed by the Governor to be a justice of the peace for the Islands;

“**land**” and “**premises**” includes 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 private individual, except where there are words to exclude houses and other buildings;

“**Law**” includes any Order in Council;

“**Magistrate**” has the meaning assigned to it in the *Summary Jurisdiction Law* [Law 10 of 1975];

“**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;

“Order in Council” means any prerogative Order of the Sovereign in Council applicable exclusively to the Islands;

“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 Law 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 Law, prescribed by the Governor in Council;

“proclamation” means a proclamation of the Governor under the Public 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 Law for the time being in force is, 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 Law applicable to the recording of such document;

“Public Seal” means the Public Seal of the Islands;

“registered”, used with reference to a document, means recorded under the provisions of the Law applicable to the registration of such document;

“regulations” include rules, bye-laws, proclamations, orders, schemes, notifications, directions, notices and forms;

“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;

“Secretary of State” means one of Her Majesty’s Principal Secretaries of State for the time being;

“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**”;

“**Statute**” includes an Act of the Imperial 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;

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

“**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 Islands means a declaration made under the *Voluntary Declarations Law (Revised – 1978 Revision)*;
- (b) in the United Kingdom or any British possession beyond the Islands 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; and
- (c) in any other place, means a declaration made before a British Consul or Vice-Consul, or before any person having authority under any Act of Parliament 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; and

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

- (2) Every local law of the Islands shall be carried out and applied according to the plain reading, and not according to any private construction, and any private construction influencing a decision in any case shall be deemed a sufficient cause for appeal or new trial or counter prosecution.
- (3) It is hereby declared that the Cayman Islands are comprised of Grand Cayman, Cayman Brac and Little Cayman; and any reference in any Law, enactment or other instrument of a public nature to the Islands or any of them shall be a reference to them or it by name, and by no other designation.

General interpretation of gender and number

4. In this Law and in all Laws and other instruments of a public character relating to the Islands 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 Law to any public officer by the usual title of his office shall, if there be such an office customarily in the Islands 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 the Islands.

References to the Crown

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

References to time means standard time; power to declare standard time

7. Whenever any expression of time occurs in any Law, 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 the Islands; and for such purpose the Governor in Council may by order declare the standard time for the Islands.

Computation of time

8. In computing time for the purpose of any Law, unless the contrary intention appears —
- (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 general 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 day afterwards, not being an excluded day; and



- (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.

Provisions where no time prescribed

- 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.

Measurement of distances

- 10. In the measurement of any distance for the purpose of any Law, 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 Law to the number of a line of any section of any Law means such line in the latest official printed copy of such Law at the time of the passing of the Law containing such reference.

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

- 12. (1) Where expressions are defined in any Law, 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 in any Law are used in any regulations or instrument made under such Law such expressions shall have the respective meanings assigned to them by the Law, unless there is anything in the subject or context repugnant to, or inconsistent with, such meaning.
- (3) Where a word is defined in a Law or any regulations, other parts of speech and grammatical variations of that word, and cognate expressions, shall have corresponding meanings in that Law or those regulations.

Commencement and citation of Laws

Authenticated copy and assent to Bills

- 13. (1) A copy of every Bill which may hereafter be passed by the Legislature of the Islands shall immediately after it is so passed be printed by any person authorised by the Governor, on vellum or some durable paper and shall, if such be the case, be authenticated by the Clerk of the Legislative Assembly as being a true and correct copy of the Bill which passed.
- (2) Where —

- (a) the Governor assents to any Bill so passed, his assent shall be made on the authenticated copy; or
- (b) Her Majesty assents to any Bill so passed, a notification of Her assent shall be made on the authenticated copy,

and in either case one authenticated copy shall then be forwarded to the Clerk of the Legislative Assembly, to the Secretary of State and to the authorised printer as aforesaid for the purposes of record.

Notification of assent to be published

- 14.** In the case of every Bill which may hereafter be passed in the Islands, the Governor shall, on assenting thereto, or on to receiving official intimation that the Bill has been duly assented to, cause a notification of such assent to be gazetted.

Commencement of Law on publication of assent, etc.

- 15.** (1) Every Law shall, unless it is otherwise therein expressly provided, come into operation on the day of the publication of the notification of assent.
- (2) The date on which a Law comes into operation, whether under the provisions of this section or according to the express provisions contained in the Law, shall be written on the original of the Law and on all copies thereof in some convenient place.

Moment when Law or regulations comes into operation

- 16.** Where any Law, part of a Law or any regulations made thereunder came 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.

Laws to be public Laws and judicially noticed

- 17.** Every Law (which expression in this section does not include regulations) shall be a public Law and shall be judicially noticed as such, unless the contrary is expressly provided by the Law.

Sections to be substantive enactments

- 18.** Every section of any Law shall have effect as a substantive enactment without introductory words.



Mode of citing Laws

- 19.** When any Law is referred to, it shall be sufficient for all purposes to cite such Law either by the short title (if any) by which it is made citable, or by the year in which it was made and its number among the Laws of that year, or in the case of a revised edition of the Laws issued under any Law 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 Laws printed in England or by any person authorised to print copies by the Governor.

References in Laws

- 20.** (1) A reference in a Law by number or letter to a Part, section, subsection, paragraph, sub-paragraph or other division of another Law or enactment shall be construed as a reference to such Part, section, subsection, paragraph, sub-paragraph or other division of such other Law or enactment as printed by authority of Law.
- (2) Where in a Law 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 Law is intended, the reference shall be construed as a reference to a Part, division, section, schedule or form of the Law in which the reference is made.
- (3) Where in a section of a Law 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 a Law 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 to which the reference is made.
- (5) Where in a Law reference is made to any regulations, without anything in the context to indicate that a reference to regulations made under some other Law is intended, the reference shall be construed as a reference to regulations made under the Law in which the reference occurs.

Collective titles

- 21.** If it is provided that any Law may, as to the whole or any part thereof, be cited —
- (a) with any other Law to form a group of Laws; or
 - (b) with any group of Laws,



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

Words to be included in citation of portion of Law.

- 22.** In any Law a description or citation of a portion of another Law 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.

Provisions as to repeals

Repeal of a repealing enactment

- 23.** Where a Law, whether before or after the commencement of this Law, 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 a Law repeals wholly or partially any former Law and substitutes provisions for the Law repealed, the repealed Law shall remain in force until the substituted provisions come into operation.

Effect of repeal

- 25.** (1) Where any Law repeals and re-enacts, with or without modification, any provision of any Law in force, reference in any other Law to the provision so repealed shall, unless the contrary intention appears, be construed as references to the provisions so re-enacted.
- (2) Where any Law 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;
 - (b) affect the previous operation of any enactment so repealed or anything duly done or suffered under any enactment so repealed;
 - (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed;
 - (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 proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, fine, forfeiture or



punishment as aforesaid; and any such investigation, legal proceedings or remedy may be instituted, continued, or enforced, and any such penalty, fine, forfeiture or punishment may be imposed as if the repealing Law had not been passed.

Effect of repeal and re-enactment of regulation making section

- 26.** Where any section conferring a power to make regulations is repealed (whether before or after the coming into operation of this Law) and other provisions, which include a power to make regulations, are substituted therefor, but the Law 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 substituted provisions insofar as they are not inconsistent with the Law as amended.

Provisions as to regulations

Provisions as to making of regulations

- 27.** Where a Law 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 —
- (a) a regulation may, at any time, be 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 Law otherwise provides, be liable to such fine not exceeding one thousand dollars, or to such term of imprisonment with hard labour not exceeding twelve months, or to both such fine and imprisonment, as may be therein prescribed;
 - (c) where any Law 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 Law;
 - (e) any breach of any regulation may, unless the Law otherwise provides, be prosecuted in a summary manner; and
 - (f) any reference in any regulation to “the Law” shall be read and construed as meaning the Law conferring the power to make or issue such regulations.

Definitions for legislative purposes

28. (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 Legislative Assembly and reckoned without regard to —
- (a) any period during which the Legislative Assembly is dissolved or prorogued;
 - (b) any period during which the Legislative Assembly is adjourned for more than six days; or
 - (c) whether the days are comprised —
 - (i) in one or more than one Session of the Legislative Assembly; or
 - (ii) partly in a Session of the Legislative Assembly which is dissolved and partly in a Session of the succeeding Legislative Assembly.
- (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 the Legislative Assembly.
- (3) 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 the Legislative Assembly, and if the Legislative Assembly 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.

Commencement and proof of regulations

29. (1) All regulations made under any Law 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.
- (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.

Acts done under regulations deemed done under Law

30. An act shall be deemed to be done under a Law by virtue of the powers conferred by a Law or in pursuance or execution of the powers of, or under the authority of, a Law if it is done under or by virtue of or in pursuance of any regulation made or issued under any power contained in such Law.



Provisions as to powers

Exercise of powers between passing and commencement of Law

- 31.** Where any Law is not to come into operation immediately on the passing thereof, and confers powers 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 Law, that power may, unless the contrary intention appears, be exercised at any time after the passing of the Law, so far as may be necessary or expedient for the purpose of bringing the Law into operation at the date of the commencement thereof, subject to the restriction that any regulations or instrument made, granted or issued under the power shall not, unless the contrary intention appears in the Law, or the regulations or instruments are necessary for bringing the Law into operation, have any effect until the Law comes into operation.

Construction of provisions as to exercise of powers, etc.

- 32.** (1) Where any Law 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 Law 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

- 33.** Where by or under any Law 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, re-appoint or reinstate any person appointed in exercise of the power.

Power to fill vacancy temporarily

- 34.** Where, by or under any Law, any powers are conferred or any duties are imposed upon a public officer, the Governor 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; 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 may direct.

Power to make overlapping appointments

35. Where the provisions of any Law 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 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 Law permitting the grant of retiring benefits in respect of service in such office.

Power to appoint chairman

36. Where, under any Law, power is given to the Governor in Council, to the Governor or to any public officer or body to appoint any board, tribunal, commission, committee or similar body, it shall be lawful for the Governor in Council, the Governor 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

37. Where, by or under any Law, the Governor in Council, the Governor 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 in Council, the Governor 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 in Council, the Governor or 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 in Council, the Governor or 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.

Construction of enabling words

38. Where, in any Law, 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.



Powers of Governor to delegate authority

- 39.** When, by any Law, the Governor is empowered to exercise any powers or perform any duties, he may, unless by law expressly prohibited from so doing, depute any person by name, or the person for the time being holding the office designated by him, to exercise such powers or perform such duties on his behalf, subject to such conditions, exceptions and qualifications as the Governor may direct; and thereupon, or from the date specified by the Governor, the person so deputed shall have and exercise such powers and perform such duties subject as aforesaid:

Provided that nothing herein contained shall authorise the Governor to depute any person to hear any appeal or to make regulations under the power in that behalf conferred upon him by any Law.

Provisions as to Imperial Acts and Orders in Council**English Laws in force in the Islands**

- 40.** 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 Islands shall continue to be laws in the Islands save in so far as any such laws or Statutes have been, or may be, repealed or amended by any Law of the Islands.

Reference in Law to provision of Imperial Act

- 41.** Where, in any Law, reference is made to any provision of an Imperial Act or Order in Council and that provision is subsequently repealed and re-enacted without substantial modification, the reference in such Law to the provision of the Act or Order in Council 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.

Imperial Acts, etc., to be read with necessary modifications

- 42.** Whenever any Imperial Act is extended or applied to the Islands, such Act shall be read with such formal alterations as to names, localities, courts, officers, persons, moneys, penalties and otherwise as may be to make it applicable to the circumstances.

Provisions as to penalties**Statement of penalty means maximum penalty**

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

44. Where in any Law 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 Law 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

45. Subject to the express provisions of any Law, where any fine or penalty is imposed by or under the authority of any Law, every such fine or penalty shall be payable into the general revenues of the Islands, but the Governor in Council 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

46. (1) Where, under any Law, 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 general revenues of the Islands, unless other provision is made.
- (2) Nothing in this section shall affect any provision in any Law 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 penalty not to bar civil action

47. The imposition of a penalty or fine by any Law, in the absence of express provision to the contrary, shall not relieve any person from liability to answer for damages to a person injured.

Provisions as to offences**Provision as to offences under two or more Laws**

48. Where any act or omission constitutes an offence under two or more Laws, or both under a Law 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 Laws or under the common law, but shall not be liable to be punished twice for the same offence.



Attempt to commit an offence to be deemed an offence

49. 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.

Remission of penalties

50. It shall be lawful for the Governor in the name of Her Majesty to remit in whole or in part any sum of money which under any Law may be imposed as a penalty, fine or forfeiture on a convicted offender, although such money may be in whole or in part payable to some person other than the Crown, and to extend the Royal mercy to any person who may be imprisoned for non-payment of any sum of money so imposed, although such sum may be in whole or in part payable to some person other than the Crown.

Miscellaneous**Change in title of public office, etc.**

51. Whenever any change in title of any public office or department, branch, agency or organ of Government occurs, the Governor, 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 Law to the former title of such office or department, branch, agency or organ of Government shall be read and construed as a reference to that office or department, branch, agency or organ of Government by such new title as the Governor may declare in such notice.

Appointment to statutory public office

52. Notwithstanding the provisions of this or any other Law, where provision is made in a law for a public officer to be appointed to an office under that Law which involves the exercise of functions, powers or duties pursuant to any Law or regulations and where no such appointment of such person has been made under that Law prior to the date when an appointment was made to such public office, the person appointed to such public office shall, for the purposes of any such Law or regulations, be deemed to have been appointed under that Law on the date when he was appointed to such public office.

Meaning of service by post.

53. Where any Law authorises or requires any document to be served by post, whether the expression “serve”, “give”, “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.

Signification of orders of Governor

54. Where power is given to the Governor or Governor 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 Clerk of the Executive Council:

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

Power of majority

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

Division of Law into Parts

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

Construction of preamble and Schedules to Law

57. (1) The preamble of any Law may be referred to for assistance in explaining the scope and object of the Law.
- (2) Every Schedule or Table to any Law, or part of any Law, shall, together with any notes thereto, be construed and have effect as part of the Law.

Deviations in forms

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

Construction of amending Law with amended Law

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



Reprint of amended Laws

- 60.** When any Law is amended it shall be lawful for any person with the authority of the Governor to print copies of the Law with all the necessary additions, omissions, substitutions and amendments effected by the amending Law or Laws and such copies shall be deemed to be authentic copies of the Law so amended.

Notification of enactment and sale of regulations, etc.

- 61.** 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 Government Notice 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 Governor

- 62.** Whenever the *fiat* of the Governor is necessary before any prosecution or action is commenced, any document purporting to bear the *fiat* of the Governor shall be received as *prima facie* evidence in any proceeding without proof being given that the signature to such *fiat* is that of the Governor.

Saving of rights of the Crown

- 63.** No Law 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.

Law binding on Crown

- 64.** This Law shall be binding on the Crown.

**Publication in consolidated and revised form authorised by the Governor in Council
this 7th day of February, 1995.**

Carmena H. Parsons
Acting Clerk of Executive Council

