THE TERRITORY OF COCOS (KEELING) ISLANDS.

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**No. 1 of 1955.**

AN ORDINANCE

**For the Interpretation of Ordinances and for Shortening their Language.**

BE it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Cocos* (*Keeling*) *Islands Act* 1955, as follows:—

Part I.—Preliminary.

**Short title.**

**1.** This Ordinance may be cited as the *Interpretation Ordinance* 1955.[[1]](#footnote-1)\*

**Repeal.**

**2.**—(1.) The Ordinances’ of the Colony of Singapore specified in the Schedule to this Ordinance shall, upon the commencement of this Ordinance, cease to be in force in the Territory.

(2.) Notwithstanding the last preceding sub-section, but subject to section twenty-five of this Ordinance, subsidiary legislation that was, immediately before the commencement of this Ordinance, in force by virtue of section nine of the Interpretation and General Clauses Ordinance, 1951 of the Colony of Singapore shall continue in force in the Territory as if that section had not ceased to be so in force.

**Parts.**

**3.** This Ordinance is divided into Parts, as follows:—

Part I.—Preliminary (Sections 1-4).

Part II.—Provisions applicable to Ordinances Generally (Sections 5-17).

Part III.—Provisions relating to Laws continued in force by the Act (Sections 18-25).

**Application of Ordinance.**

**4.**—(1.) Except where the contrary intention appears in this Ordinance, this Ordinance applies to every Ordinance, including this Ordinance, made under the Act and to every Ordinance of the Colony of Singapore continued in force in the Territory by the Act.

(2.) This Ordinance binds the Crown.

(3.) Where an Ordinance confers upon a person or authority power to make, grant or issue an instrument (including regulations) then, unless the contrary intention appears, this Ordinance applies to an instrument so made, granted or issued as if that instrument were an Ordinance.

Part II.—Provisions Applicable to Ordinances Generally.

**Interpretation of terms.**

**5.**—(1.) In an Ordinance, unless the contrary intention appears—

“Act” means an Act of the Parliament of the Commonwealth;

“barrister or solicitor” means a person entitled, under section forty-nine of the *Judiciary Act* 1903-1955, to practise as a barrister or solicitor, or both, in a federal Court or a Court of a Territory under the control of the Commonwealth;

“Commissioner for Affidavits” means a person appointed under the *Supreme Court Ordinance* 1955 to take and receive affidavits;

“District Court” means a District Court constituted under the Courts Ordinance, 1955 of the Colony of Singapore in its application to the Territory;

“District Judge” means a District Judge appointed under the Courts: Ordinance, 1955 of the Colony of Singapore in its application to the Territory;

“Imperial Act” means an Act passed by the Parliament of the United Kingdom;

“justice of the peace “means a justice of the peace appointed under the Courts Ordinance, 1955 of the Colony of Singapore in its application to the Territory;

“law of the Territory” includes a law continued in force in the Territory by the Act;

“Magistrate’s Court” means a Magistrate’s’ Court constituted under the Courts Ordinance, 1955 of the Colony of Singapore in its application to the Territory;

“monogamous marriage” means a marriage which is recognized by the law of the place where it is contracted as a voluntary union of one man and one woman to the exclusion of all others during the continuance of the marriage;

“movable property” means property of every description except immovable property;

“Ordinance” includes—

(*a*) an Ordinance of the Colony of Singapore continued in force in the Territory by the Act, and such an Ordinance as amended by Ordinances made under the Act; and

(*b*) an Act adopted by an Ordinance made under the Act as a law of the Territory, and such an Act as amended by an Ordinance;

“Ordinance of the Colony of Singapore” includes an Ordinance of the Colony of the Straits, Settlements in force in the Colony of Singapore immediately before the commencement of the Act;

“police officer” means a member of the police force of the Territory;

“registered”, in relation to a document, means registered under the provisions of the law for the time being applicable to the registration of that document;

“regulations” means regulations made under the Ordinance and includes rules of court so made;

“subsidiary legislation” means any order in council, proclamation, rule, regulation, order, notification, by-law or other instrument made under an Ordinance or other lawful authority and having legislative effect;

“the Act” means the *Cocos (Keeling) Islands Act* 1955;

“the *Gazette*”means the *Commonwealth of Australia Gazette* or the *Government Gazette* of the Territory;

“the Islands” means the Cocos or Keeling Islands;

“the Supreme Court” means the Supreme Court of the Territory;

“the Territory” means the Territory of Cocos (Keeling) Islands.

(2.) Where an Ordinance confers upon a person or authority power to make, grant or issue an instrument (including regulations) then, unless the contrary intention appears, expressions’ used in an instrument so made, granted or issued shall be deemed to have the same meanings as: in the Ordinance conferring the power.

**Application of Acts**

**Interpretation Act to Ordinances.**

**6.** Subject to this Ordinance, the provisions of the *Acts Interpretation Act* 1901-1950 (except sections five and fifteen a, paragraph (*e*)of section twenty-six, paragraph (*d*)of section twenty-seven, sub-section (2.) of section thirty, sections thirty-seven to forty (inclusive), paragraph (*a*) of section forty-six and sections forty-seven, forty-eight and forty-nine), as amended from time to time, apply, so far as they are capable of application, to and in relation to Ordinances, including this Ordinance, as if an Ordinance were an Act.

**Numbering of Ordinances.**

**7.** Ordinances made under the Act in each secular year shall be numbered in regular arithmetical series, beginning with the number one, in the order in which notice of their making is published in the *Gazette.*

**Citation of Acts and Ordinances.**

**8.**—**(1.)** In an Ordinance, instrument or document—

(*a*) an Act may be cited by its short title, or by reference to the secular year in which it was passed and its number;

(*b*) an Ordinance may be cited by its short title, or by reference to the secular year in which it was passed and its number; and

(*c*) an Imperial Act may be cited by its short title (if any), or by reference to the regnal year in which it was passed and its chapter.

(2.) An enactment may be cited by reference to the part, section, sub-section or other division of the Act, Ordinance or Imperial Act in which the enactment is contained.

(3.) Every such reference shall be made according to a copy of the Act or Ordinance printed or purporting to be printed by the Government Printer of the Commonwealth, or to a copy of the Imperial Act printed or purporting to be printed by the Queen’s Printer in London, as the case may be.

**Judicial notice to be taken of Ordinances, &c.**

**9.** All courts and all persons acting judicially shall take judicial notice of—

(*a*) Ordinances made under the Act;

(*b*) Ordinances of the Colony of Singapore continued in force in the Territory by the Act;

(*c*) Acts adopted by Ordinances as laws of the Territory; and

(*d*) regulations, rules of court, by-laws, proclamations or orders made under an Ordinance made under the Act or made (whether before or after the commencement of the Act) under an Ordinance of the Colony of Singapore continued in force in the Territory by the Act.

***Gazette* to be evidence of certain matters.**

**10.** A printed copy of the *Commonwealth of Australia Gazette* or the *Government Gazette* of the Territory purporting to be published by authority and to be printed by the Government Printer—

(*a*) shall be admitted in evidence by all courts and in all legal proceedings without proof that that copy was so published and printed; and

(*b*) is evidence that it was published on the day on which it bears date and of appointments and notifications printed in it and of the matters and thing’s contained in those appointments and notifications.

**Compliance with forms.**

**11.** Where forms are prescribed for the purposes of an Ordinance, substantial compliance with those forms is, unless the contrary intention appears, sufficient.

**Standard time.**

**12.**—(1.) Where—

(*a*) an expression of time occurs in an Ordinance; or

(*b*) the doing of an act, or omission to do an act, at a certain time of day or night or during a certain part of the day or night has an effect in law,

that time shall, unless it is otherwise expressly stated, be deemed to be standard time.

(2.) For the purposes of the last preceding sub-section, “standard time” means six and one-half hours in advance of Greenwich mean time.

**Attempt to commit offence.**

**13.** A provision in an Ordinance which constitutes an offence shall, unless the contrary intention appears, be deemed to provide also that an attempt to commit that offence is an offence against that provision punishable as if the attempted offence had been committed.

**Civil rights not affected.**

**14.** The imposition of a penalty by an Ordinance in respect of an act or omission does not, in the absence of an express provision to the contrary, affect the right of any person to institute civil proceedings in respect of that act or omission.

**Regulations.**

**15.—(1.)** Where an Ordinance confers power to make regulations, then, unless the contrary intention appears—

(*a*) notice of the making of regulations made accordingly and of the place where copies of those regulations may be purchased shall be published in the *Gazette*; and

(*b*) subject to this section, regulations made accordingly take effect from the date of publication of the notice referred to in the last preceding paragraph or, where another date is specified in the regulations, from the date so specified.

(2.) Regulations shall not be expressed to take effect from a date before the date of publication of the notice referred to in the last preceding sub-section in a case where, if the regulations so took effect—

(*a*) the rights of a person (other than the Commonwealth or an authority of the Commonwealth) existing at that date, would be affected in a manner prejudicial to that person; or

(*b*) liabilities would be imposed on a person (other than the Commonwealth or an authority of the Commonwealth) in respect of anything done or omitted to be done before that date,

and where, in any regulations, a provision is made in contravention of this sub-section, that provision is void and of no effect.

(3.) Regulations are subject at any time to disallowance, in whole or in part, by the Governor-General, and a regulation so disallowed ceases to have effect from the date of publication in the *Gazette* of notice of the disallowance.

(4.) Where a regulation is disallowed under this section, the disallowance has the same effect as a repeal of the regulation, except that, if the regulation amended or repealed a law in force immediately before that regulation took effect, the disallowance revives the previous law from the date of publication in the *Gazette* of notice of the disallowance, as if the disallowed regulation had not been made.

(5.) In this section, “regulation” includes rule of court.

**Numbering of regulations.**

**16.**—(1.) The regulations made under Ordinances in each secular year shall be numbered in regular arithmetical series, beginning with the number one, in the order in which notice of their making is published in the *Gazette.*

(2.) Regulations may, without prejudice to any other mode of citation, be cited by reference to the secular year in which notice of their making was published in the *Gazette* and the number assigned to them under the last preceding sub-section.

**Power of Minister to delegate functions, &c. under Ordinances.**

**17.**—(1.) Where an Ordinance confers a power or function on the Minister, the Minister may, by writing under his hand, delegate that power or function to any person or authority either generally or in relation to a particular matter or class of matters or a part of the Territory.

(2.) A delegation under this section is revocable at will and does not prevent the exercise of any power or function by the Minister.

Part III.—Provisions Relating to Laws Continued in Force by the Act.

**Reference to certain expressions in laws of Singapore.**

**18.** Subject to sub-section (2.) of section eight of the Act, in relation to anything done after the commencement of this Ordinance, an expression specified in the first column of the following table in a law continued in force in the Territory by the Act shall be read as a reference to the person, authority or thing specified in the second column of that table opposite to that expression:—

|  |  |
| --- | --- |
| First Column. | Second Column. |
|  |  |
| “advocate” or “advocate and solicitor”  “the Colony”, “the Colony of Singapore” or “the Settlement of Singapore”  “the *Gazette*” .. ..  “the *Government Gazette*”.. ..  “the Legislative Council” .. | A barrister or solicitor as defined in section five of this Ordinance  The Territory  The *Commonwealth of Australia Gazette* or the *Government Gazette* of the Territory  The *Commonwealth of Australia Gazette* or the *Government Gazette* of the Territory  The Governor-General in Council |

**References in laws of Singapore.**

**19.**—(1.) In a law continued in force in the Territory by the Act—

(*a*) a reference to the Colony of the Straits Settlements or to a Settlement of that Colony shall be read as a reference to the Territory;

(*b*) a reference to Her Majesty’s Armed Forces, or a part of those Forces, shall be read as a reference to the Defence Force of the Commonwealth, or the corresponding part of that Force; and

(*c*) a reference to the number of a line of a section of an Ordinance shall be read as a reference to that line in the latest official printed copy of that Ordinance at the time of the passing or making of the law in which the reference appears.

(2.) In a law continued in force in the Territory by the Act (not being an Imperial Act or Order in Council), unless the contrary intention appears—

(*a*) a reference to a ship shall be read as including *every* description of vessel used in navigation not being a vessel exclusively propelled by oars or paddles;

(*b*) a reference to the master, in relation to a ship, shall be read as a reference to any person, except a pilot or harbour master, having for the time being control or charge of the ship;

(*c*) a reference to value, in relation to a suit, shall be read as a reference to the value of the subject-matter of the suit; and

(*d*) a reference to a year shall be read as a reference to a year according to the British calendar.

(3.) In a law continued in force in the Territory by the Act (not being an Imperial Act or Order in Council), unless the contrary intention appears—

“act”, in relation to an offence or civil wrong, includes a series of acts, and words which refer to acts extend to illegal omissions;

“animal” includes birds, reptiles, fish and every kind of vertebrate animal and their young;

“Chapter”, “Part”, “section” and “Schedule” mean respectively a Chapter, Part and section of, and a Schedule to, the law in which the word occurs’;

“common law” means the common law of England;

“sub-section” means a sub-section of the section in which the word occurs.

(4.) In an order, proclamation, rule, regulation or by-law continued in force by the Act, the expression “the Ordinance” shall, unless the contrary intention appears, be read as a reference to the Ordinance under the authority of which that order, proclamation, rule, regulation or by-law was made.

**References to Singapore currency.**

**20.**—(1.) A reference in a law continued in force in the Territory by the Act to an amount in the currency of the Colony of the Straits Settlements or of the Colony of Singapore shall be read as a reference to the equivalent amount in Australian currency.

(2.) For the purposes of the last preceding sub-section, one dollar in the currency of the Colony of the Straits Settlements or of the Colony of Singapore shall be deemed to be the equivalent of .147 pound in Australian currency.

**References to persons, places, matters and things in existing laws.**

**21.** Subject to section eight of the Act and to this Ordinance, a law continued in force in the Territory by the Act shall be read with such formal alterations as to persons, places, matters and things as are necessary to make the same applicable to the circumstances of the Territory.

**References to Ordinances of the Straits Settlements.**

**22.** An Ordinance of the Colony of the Straits Settlements in force in the Colony of Singapore immediately before the commencement of the Act may be referred to as’ an Ordinance of the Colony of Singapore.

**Citation of Ordinances of Colony of Singapore.**

**23.** An Ordinance of the Colony of Singapore included in a revised edition of Ordinances issued before the commencement of the Act under a law providing for the issue of a revised edition may, without prejudice to any other manner of citation, be cited by its chapter number and any such citation shall, unless the contrary intention appears, be construed as a reference to the Ordinance as amended from time to time by any other Ordinance.

**References to Ordinances of Colony of Singapore.**

**24.** A reference in an Ordinance to an Ordinance of the Colony of Singapore in its application to the Territory shall, unless the contrary intention appears, be deemed to be a reference to the last-mentioned Ordinance as in force immediately before the commencement of the Act and as amended by laws made under the Act.

**Discontinuance of adopted laws deemed to be a repeal.**

**25.**—(1.) A provision in an Ordinance that an Ordinance of the Colony of Singapore, or an Act adopted by an Ordinance as a law of the Territory is, in its application to the Territory, repealed or that such an Ordinance or Act shall cease to apply, or be in force, in the Territory shall be deemed to be the repeal of an Ordinance.

(2.) Where an Ordinance provides that an Ordinance of the Colony of Singapore is, in its application to the Territory, repealed or that such an Ordinance shall cease to apply, or be in force, in the Territory, then, unless the contrary is expressly provided, all subsidiary legislation in force under that Ordinance of the Colony of Singapore shall, by force of that provision, cease to be in force in the Territory.

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THE SCHEDULE.

Section 2 (1.).

ORDINANCES REPEALED.

Interpretation and General Clauses Ordinance, 1951.

Interpretation and General Clauses (Amendment) Ordinance, 1952.

Interpretation and General Clauses (Amendment) Ordinance, 1955.

Dated this twenty-third day of November, 1955.

W. J. SLIM

Governor-General.

By His Excellency’s Command,

PAUL HASLUCK

Minister of State for Territories.

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1. \* Notified in the *Commonwealth Gazette* on 23rd November, 1955. [↑](#footnote-ref-1)