

**THE REVISED EDITION OF THE LAWS
ORDINANCE, 1948.**

(ORDINANCE 20 OF 1948.)

*To make provision for the preparation and publication of
a revised edition of the law of the Colony.*

20 of 1948.
4 of 1950.
23 of 1950.

[4th June, 1948.]

1. This Ordinance may be cited as the Revised Edition of the Laws Ordinance. Short title.

2. In this Ordinance— Interpretation.
“commissioners” means the persons appointed under section 3;
“Military Proclamation” means a proclamation of the British Military Administration and any order, rules or regulations made thereunder;
“revised edition of Ordinances” means the revised edition of the Ordinances of the Colony to be prepared under the authority of this Ordinance; 4 of 1950, s. 2.
23 of 1950, s. 2.
“revised edition of subsidiary legislation” means the revised edition of proclamations, rules, regulations, by-laws and other forms of subsidiary legislation of the Colony to be prepared under the authority of this Ordinance. 4 of 1950, s. 2.
23 of 1950, s. 2.

3. (1) John Bowes Griffin, K.C., Attorney General, George Edward Strickland, Solicitor General, Henrique Alberto de Barros Botelho, Assistant Crown Solicitor, and Edward Hardwicke Sainsbury, Assistant Crown Solicitor, are hereby appointed commissioners who shall prepare a revised edition of Ordinances and a revised edition of subsidiary legislation in the Colony. Appointment of commissioners.

(2) If the number of commissioners present at one time in the Colony and able to act falls below two, the Governor may appoint some other fit and proper persons not exceeding two to be commissioners in the stead of the commissioners who are absent or unable to act.

4. In the preparation of the revised edition of Ordinances the commissioners shall have power— Power of commissioners.

[s. 4 cont.]

- (a) to omit—
- (i) all Ordinances, or parts of Ordinances, Military Proclamations, or parts of Military Proclamations, which have been expressly and specifically repealed or which have expired, or have become spent or have had their effect;
 - (ii) all repealing enactments contained in Ordinances or Military Proclamations and also all tables and lists of repealed enactments, whether contained in Schedules or otherwise;
 - (iii) all enactments prescribing the date when an Ordinance or part of an Ordinance or Military Proclamation or part of a Military Proclamation is to come into operation, where such omission can in the opinion of the commissioners conveniently be made;
 - (iv) all amending Ordinances or Military Proclamations or parts thereof where the amendments effected thereby have been embodied by the commissioners in the Ordinance to which they relate;
 - (v) all enacting clauses;
 - (vi) any parts of an Ordinance or Military Proclamation which can more conveniently be included as rules, regulations or by-laws made under the Ordinance or under any other Ordinance;
- (b) to adopt a convenient standard form in all Ordinances for—
- (i) the interpretation section;
 - (ii) any penal section;
 - (iii) any section giving power to make rules, regulations or by-laws;
- (c) to consolidate into one Ordinance any two or more Ordinances or two or more Military Proclamations or any number of Ordinances and Military Proclamations in *pari materia*, making the alterations thereby rendered necessary and affixing such date thereto as may seem most convenient;
- (d) to alter the order of sections in any Ordinances;
- (e) to renumber the sections in any Ordinance in all cases where it may be necessary so to do;

Revised Edition of the Laws.

- (f) to alter the form or arrangement of any section, transferring words, by combining it in whole or in part with another section or other sections or by dividing it into two or more subsections;
 - (g) to transfer any enactment contained in an Ordinance or Military Proclamation from such Ordinance or Military Proclamation to any other Ordinance to which that enactment more properly belongs, making the alterations thereby rendered necessary;
 - (h) to divide Ordinances into parts or divisions;
 - (i) to add a short title to any Ordinance which may require it or to alter the short title of any Ordinance;
 - (j) to supply or alter tables of contents and marginal notes;
 - (k) to correct grammatical, typographical, and similar errors in the existing copies of Ordinances or Military Proclamations and for that purpose to make verbal additions, omissions, or alterations not affecting the meaning of any Ordinance or Military Proclamation;
 - (l) to correct references to repealed enactments by replacing such references by references to the substituted enactments, for which purpose it is declared that an enactment is deemed to be substituted for another enactment where it is expressly stated in the subsequent enactment that it is so substituted, or where the subsequent enactment reenacts with or without modification any provisions of a repealed enactment;
 - (m) to make such formal alterations as to names, localities, departments, offices and officers and otherwise as may be necessary to bring any Ordinances or Military Proclamations into conformity with the circumstances of the Colony;
 - (n) to recast in the form of an Ordinance, making the alterations thereby rendered necessary, any Military Proclamation or part thereof which is still in force and which cannot be more conveniently dealt with under the foregoing powers or under section 9;
- and to do all things relating to form and method which may be necessary for the perfecting of the revised edition.

Omission of certain Ordinances from the revised edition. First Schedule.

5. (1) The commissioners shall omit from the revised edition of Ordinances the Ordinances specified in the First Schedule: Provided that, anything in this Ordinance to the contrary notwithstanding the said Ordinances shall remain in force until the same shall have been expressly repealed or shall have expired or become spent or had their effect.

(2) At any time before the revised edition of Ordinances is approved in pursuance of section 7, the Governor may by proclamation make any amendment to the First Schedule.

4 of 1950, s. 4.

(3) For the purpose of subsection (1) the expression "Ordinances" shall include "Military Proclamations".

Mode of dealing with amendments, etc., unauthorized under section 4.

6. (1) If the commissioners consider it is desirable that in the preparation of the revised edition of Ordinances there should be omissions, amendments or additions other than those authorized by section 4, the same may be collected and submitted to Legislative Council in the form of one or more Ordinances.

(2) If such Ordinance or Ordinances are enacted prior to the passing of the resolution mentioned in section 7, then—

(a) the commissioners shall in the preparation of the revised edition give the like effect to such omissions, amendments or additions as if they had been authorized by section 4; and

(b) if as a result of any such omission, amendment or addition any Ordinance or part thereof or Military Proclamation or part thereof has been repealed or has expired or become spent or had its effect, such Ordinance or part or Military Proclamation or part shall be omitted from the revised edition.

23 of 1950, s. 3.

(3) Subject to section 5 and to subsection (2) of this section the commissioners shall include in the revised edition of Ordinances all unrepealed Ordinances enacted until and including the 1st day of September, 1950.

Bringing of revised edition of Ordinances into force.

7. (1) Upon the passing of a resolution of the Legislative Council authorizing him so to do, the Governor may, by proclamation, order that the revised edition of

Revised Edition of the Laws.

Ordinances shall come into force on such date as he may think fit.

(2) From the date named in the said proclamation the revised edition of Ordinances shall be deemed to be and shall be without any question whatsoever the sole and only proper Statute Book of the Colony in respect of— 23 of 1950, s. 4.

- (a) unrepealed Ordinances enacted until and including the 1st day of September, 1950, subject to the provisions of section 5; and
- (b) any Ordinances or parts of Ordinances included in exercise of the powers conferred by subsections (1) and (2) of section 6.

8. All proclamations, rules, regulations, by-laws and other forms of subsidiary legislation made under any law included in the revised edition of Ordinances, and in force at the date when that revised edition comes into force, shall continue in force until otherwise provided; and any reference in any such proclamation, rule, regulation, by-law, or other form of subsidiary legislation, to the law under which it is made, or to any part thereof, or to any other enactment, shall, where necessary and practicable, be construed as a reference to the corresponding provision in the revised edition of Ordinances. Saving of existing subsidiary legislation.

9. (1) In the preparation of the revised edition of subsidiary legislation, the commissioners shall have the like powers to do all things as are conferred upon them by this Ordinance in respect of the revised edition of Ordinances: Provided that the power conferred by section 6 shall be inapplicable and that if the commissioners consider that it is desirable that in the preparation of the revised edition of subsidiary legislation there should be amendments, omissions or additions not authorized under the power previously conferred by this section, and in particular that any Military Proclamation which is still in force and required or any part thereof should be recast in the form of enactment considered suitable by the commissioners and submitted by them to the authority having under the law of the Colony power to enact the same, they shall act accordingly. Subsidiary legislation.

Revised Edition of the Laws.

[s. 9 cont.]

(2) The commissioners shall also have power to include in the revised edition of subsidiary legislation any part of an Ordinance or Military Proclamation omitted pursuant to sub-paragraph (vi) of paragraph (a) of section 4.

23 of 1950, s. 5.

(3) Subject to subsection (1) of section 10 the commissioners shall include in the revised edition of subsidiary legislation all unrepealed subsidiary legislation enacted until and including such date as the Governor shall specify by notice in the *Gazette* or which was enacted after submission by the commissioners under the proviso to subsection (1) of this section.

Omissions of certain subsidiary legislation from the revised edition.

10. (1) The commissioners shall omit from the revised edition of subsidiary legislation, all subsidiary legislation enacted under the Ordinances mentioned in the First Schedule and the subsidiary legislation mentioned in the Second Schedule: Provided that, anything in this Ordinance to the contrary notwithstanding, the said subsidiary legislation shall remain in force until the same shall have been expressly repealed or shall have expired or become spent or had effect.

(2) At any time before the revised edition of subsidiary legislation is approved in pursuance of section 11 the Governor may, by proclamation, make any amendment to the Second Schedule.

Second Schedule.

4 of 1950, s. 8.

(3) For the purpose of subsection (1) of this section the expression "Ordinances" shall include "Military Proclamations".

Bringing revised edition of subsidiary legislation into force.

23 of 1950, s. 6.

11. (1) The Governor may, by proclamation, order that the revised edition of subsidiary legislation shall come into force on such date as he may think fit.

(2) From the date named in the said proclamation the revised edition of subsidiary legislation shall be deemed to be and shall be without any question whatsoever the sole and only proper Statute Book of the Colony in respect of—

(a) unrepealed subsidiary legislation enacted until and including the date specified by the Governor by notice under subsection (3) of section 9, subject to the provisions of section 10; and

Revised Edition of the Laws.

(b) subsidiary legislation enacted after submission by the commissioners under subsection (2) of section 9.

12. The revised edition of Ordinances may also contain a reprint of such Imperial Statutes, Orders in Council, Letters Patent, Royal Instructions, Treaties, Conventions and other instruments as the commissioners consider useful to include.

Complementary matter in revised edition.

13. Wherever in any enactment or in any document of whatever kind, any reference is made to any enactment affected by or under the operation of this Ordinance, the reference shall, where necessary and practicable, be construed as a reference to the corresponding enactment in the revised edition of Ordinances or the revised edition of subsidiary legislation.

Construction of references to repealed or amended enactments.

14. One copy of each volume of the revised edition of Ordinances and the revised edition of subsidiary legislation shall, by order of the Governor in that behalf be sealed with the Public Seal of the Colony and transmitted to the Registrar of the Supreme Court for record.

Copies to be signed and deposited.

15. (1) Copies of the revised edition shall be distributed among such persons, officers, departments and institutions as the Governor may direct.

Distribution of copies of revised edition.

(2) There shall be offered to the public such number of copies at such price as the Governor may direct.

16. The Governor may, by warrant addressed to the Accountant General, direct the payment of all expenses of and incidental to the preparation, publication, distribution and sale of the revised edition.

Expenses of preparation and publication.

17. This Ordinance, as amended by the Revised Edition of the Laws (Amendment) Ordinance, 1950, and by the Revised Edition of the Laws (Amendment) (No. 2) Ordinance, 1950, shall be printed at the commencement of the revised edition of Ordinances.

Place of this Ordinance in the new edition.

23 of 1950, s. 7.

(4 of 1950.)

(23 of 1950.)

Revised Edition of the Laws.

FIRST SCHEDULE.

[section 5.]

ORDINANCES TO BE OMITTED FROM THE REVISED EDITION
OF ORDINANCES.*

| No. and year of Ordinance or Military Proclamation. | Short Title. |
|---|---|
| A. ORDINANCES. | |
| 1 of 1857 | Imperial Enactments Extension Ordinance, 1857. |
| 1 of 1873 | Dangerous Goods Ordinance, 1873. |
| 2 of 1885 | Weights and Measures Ordinance, 1885. |
| 5 of 1890 | Squatters Ordinance, 1890. |
| 10 of 1899 | Merchant Shipping Ordinance, 1899. |
| 14 of 1901 | Gunpowder and Fireworks Ordinance, 1901. |
| 46 of 1902 | Star Ferry Ordinance, 1902. |
| 7 of 1906 | Prospecting and Mining Ordinance, 1906. |
| 15 of 1907 | Chinese Publication (Prevention) Ordinance, 1907. |
| 38 of 1909 | Christian Burial Ground Ordinance, 1909. |
| 26 of 1913 | Education Ordinance, 1913. |
| 28 of 1914 | Alien Enemies (Winding Up) Ordinance, 1914. |
| 5 of 1915 | Private Bills Ordinance, 1915. |
| 30 of 1915 | Asiatic Emigration Ordinance, 1915. |
| 23 of 1917 | Boarding-House Ordinance, 1917. |
| 12 of 1923 | Vaccination Ordinance, 1923. |
| 23 of 1923 | Celluloid and Cinematograph Film Ordinance, 1923. |
| 9 of 1925 | Telephone Ordinance, 1925. |
| 7 of 1927 | Japanese Residents Association Ordinance, 1927. |
| 25 of 1927 | Printers and Publishers Ordinance, 1927. |
| 4 of 1931 | Census Ordinance, 1931. |
| 15 of 1933 | Public Works Loan Redemption Ordinance, 1933. |
| 15 of 1935 | Public Health (Sanitation) Ordinance, 1935. |
| 42 of 1935 | Dollar Currency Notes Ordinance, 1935. |
| 40 of 1936 | Public Reclamations Validation and Clauses Ordinance, 1936. |
| 24 of 1937 | Sterling Salaries Conversion Ordinance, 1937. |
| 5 of 1938 | Protection of Women and Girls Ordinance, 1938. |
| 14 of 1938 | Prohibited Publications Ordinance, 1938. |
| 32 of 1939 | Compulsory Service Ordinance, 1939. |
| 38 of 1939 | Essential Commodities Reserves Ordinance, 1939. |
| 7 of 1940 | Administration of Estates by Consular Officers Ordinance, 1940. |
| 8 of 1940 | Trade Marks (Emergency) Ordinance, 1940. |
| 21 of 1941 | Subsidiary Currency Notes Ordinance, 1941. |
| 1 of 1946 | Indemnity and Validating Ordinance, 1946. |
| 6 of 1946 | Urban Council (Transitional Provisions) Ordinance, 1946. |
| 22 of 1946 | Stamp (Amendment) Ordinance, 1946. |
| 28 of 1947 | Divorce (Validity) (Dalziel) Ordinance, 1947. |
| 46 of 1948 | Stamp (Amendment) Ordinance, 1948. |
| 51 of 1948 | Smuggling into China (Control) Ordinance, 1948. |
| 3 of 1949 | Inland Revenue (Amendment) Ordinance, 1949. |
| 5 of 1949 | Hotels Ordinance, 1949. |
| 17 of 1949 | Stamp Amendment Ordinance, 1949. |

*Note: This First Schedule, as printed, is the amended Schedule authorized by Proclamations 1 and 3 of 1951 (vide G.N.A. 12 and 66 of 1951).

Revised Edition of the Laws.

| No. and year of Ordinance or Military Proclamation. | Short Title. |
|---|---|
| 43 of 1949 | Landlord and Tenant (Amendment) Ordinance, 1949. |
| 48 of 1949 | Magistrates Amendment and Validation Ordinance, 1949. |
| 8 of 1950 | Appropriation for 1950-1951 Ordinance, 1950. |
| 10 of 1950 | Inland Revenue (Amendment) Ordinance, 1950. |
| B. MILITARY PROCLAMATIONS. | |
| 10 of 1945 | Custodian Proclamation. |
| // 22 of 1945 | Enemy Property Proclamation. |
| 27 of 1946 | Emergency Registration of China Companies Proclamation. |

C. Ordinances and Military Proclamations the sole purpose of which is to amend the above specified Ordinances and Military Proclamations.

SECOND SCHEDULE. [section 10.]

SUBSIDIARY LEGISLATION TO BE OMITTED FROM THE REVISED EDITION OF SUBSIDIARY LEGISLATION.*

1. All subsidiary legislation enacted under the Supplies and Services (Transitional Powers) Act, 1945, as applied to the Colony by the Supplies and Services (Transitional Powers) (Colonies, etc.) Order in Council, 1946.
2. All Emergency Regulations made under the Emergency Regulations Ordinance, 1922.

*Note: With regard to the final form of this Second Schedule, see the introductory note to subsidiary legislation at the commencement of Volume VII.