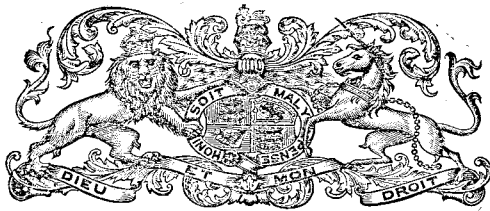


WESTERN PACIFIC HIGH COMMISSION.

No. 3 of 1919



[L.S.]

C. H. RODWELL,

High Commissioner.

27th February, 1919.

KING'S REGULATION

TO DEFINE CERTAIN TERMS AND EXPRESSIONS WHEN USED IN KING'S REGULATIONS; TO MAKE PROVISION WITH RESPECT TO THE COMMENCEMENT AND CONSTRUCTION OF KING'S REGULATIONS AND FOR OTHER LIKE PURPOSES.

Made by His Britannic Majesty's High Commissioner for the Western Pacific under the provisions of the Pacific Order in Council, 1893.

In the name of His Majesty, George the Fifth, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India.

[27th February, 1919.]

PRELIMINARY.

1. This Regulation may be cited for all purposes as the Interpretation Regulation 1919. SHORT TITLE.

2. In this Regulation the word "Regulation" shall be deemed to include this and all other Regulations whether passed before or after the commencement of this Regulation and all notices regulations rules proclamations or other instruments made in pursuance of any Regulation. APPLICATION OF REGULATION.

GENERAL WORDS EXPRESSIONS AND REFERENCES.

REFERENCES TO
THE CROWN.
(52 & 53 VICT.
C. 63 SEC. 30.)

3. References in any Regulation to the Sovereign reigning at the time of the passing of the Regulation or to the Crown shall unless the contrary intention appears be construed as references to the Sovereign for the time being.

CONSTRUCTION
OF OFFICIAL
EXPRESSIONS.

4. In any Regulation unless the contrary intention appears—

- (a) "Protectorate" shall mean the British Solomon Islands Protectorate;
- (b) "High Commissioner" shall mean His Britannic Majesty's High Commissioner for the Western Pacific;
- (c) "Resident Commissioner" shall mean the Resident Commissioner for the Protectorate;
- (d) "The Gazette" shall mean the *Western Pacific High Commission Gazette*;
- (e) "Proclamation" shall mean proclamation by the High Commissioner published in the Gazette.

GEOGRAPHICAL
DEFINITIONS.

5. In any Regulation unless the contrary intention appears—

- (a) "The United Kingdom" shall mean the United Kingdom of Great Britain and Ireland;
- (b) "Australian Colonies" shall mean and include the Commonwealth of Australia and the States comprising it and their respective dependencies and "Australasian Colonies" shall mean and include the said Commonwealth and States and the Dominion of New Zealand and their respective dependencies;
- (c) "British possession" shall mean any part of the King's Dominions exclusive of the United Kingdom and where parts of such Dominions are under both a central and a local legislature all parts under the central legislature shall for the purposes of this definition be deemed to be one British possession;
- (d) The "Protectorate waters" shall mean the waters of the Protectorate.

(COMMONWEALTH
ACT 2 OF 1901
S. 18.)

REFERENCE TO
OFFICER.
(COMMONWEALTH
ACT 2 OF 1901
S. 20.)

6. Where in any Regulation any person holding or occupying a particular office or position is mentioned or referred to in general terms such mention or reference shall unless the contrary intention appears be deemed to include all persons who at any time occupy for the time being the said office or position or are for the time being executing the duties of such office or position.

MEANING OF
CERTAIN WORDS.
(COMMONWEALTH
ACT 2 OF 1901
S. 22.)

7. In any Regulation unless the contrary intention appears—

- (a) "Person" and "party" shall include a body politic or corporate as well as an individual;
- (b) "Month" shall mean calendar month;
- (c) "Days" shall mean clear days;
- (d) "Day" shall mean twenty-four hours to be reckoned *de momento in momentum* unless a Sunday or public holiday intervenes in which case such Sunday or holiday shall not be included in the computation;
- (e) Any expression of time shall mean local mean time;

- (f) "Land" shall include messuages tenements and hereditaments corporeal or incorporeal of any tenure and description and whatsoever may be the estates therein;
- (g) "Vessel" "Ship" or "Boat" shall respectively mean and include anything made or used for the conveyance by water of human beings or of property whatsoever;
- (h) "Master" shall mean and include any person in charge of a vessel;
- (i) "Public holiday" shall mean and include any day made a general holiday by virtue of any Regulation.

8. In any Regulation unless the contrary intention appears—

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

RULES AS TO GENDER AND NUMBER.
(COMMONWEALTH ACT 2 OF 1901 S. 23.)

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

MEASUREMENT OF DISTANCE.
(52 & 53 VICT. C. 63 S. 34.)

10. Where any particular number of days shall be prescribed in any Regulation for the doing of any act or for any other purpose the same shall be reckoned exclusive of the first and inclusive of the last day.

RECKONING OF TIME.

11. Expressions in any Regulation referring to writing shall unless the contrary intention appears be construed as including references to printing lithography photography and other modes of representing and reproducing words in a visible form.

MEANING OF "WRITING."
(52 & 53 VICT. C. 63 S. 20.)

12. Any Act passed by the Parliament of the United Kingdom may be referred to by the term "Imperial Act" and may be cited by its short title (if any) or by reference to the regnal year in which it was passed and its chapter.

CITATION OF IMPERIAL STATUTES.
(COMMONWEALTH ACT 2 OF 1901 S. 40 (c).)

JUDICIAL WORDS EXPRESSIONS AND REFERENCES.

13. In any Regulation unless the contrary intention appears—

- (a) "Court" shall mean the High Commissioner's Court and shall include every member thereof exercising for the time being the jurisdiction and authority thereof in conformity with the provisions of the Pacific Order in Council 1893;
- (b) The words "oath" and "affidavit" shall in the case of persons allowed by law to affirm declare or promise instead of swearing include affirmation declaration and promise and the word "swear" shall in like case include affirm declare and promise;
- (c) The words "statutory declaration" shall mean a declaration made by virtue of any Regulation or law authorising a declaration to be made otherwise than in the course of a judicial proceeding.

JUDICIAL DEFINITIONS.

52 AND 53 VICT. C. 63 S. 3.

(52 & 53 VICT. C. 63 S. 21.)

14.—(1) In any Regulation unless the contrary intention appears the expression "Rules of Court" when used in reference to any Court shall mean rules made by the authority having for the time being power to make rules or orders regulating the procedure of the Court.

MEANING OF RULES OF COURT.
(52 & 53 VICT. C. 63 S. 14.)

(2) The power of such authority to make Rules of Court shall unless the contrary intention appears include a power to make Rules of Court for the purpose of any Regulation which directs or authorises anything to be done by Rules of Court.

MEANING OF
SERVICE BY POST.
(52 & 53 VICT.
C. 63 S. 26.)

15. When a Regulation authorises or requires any document to be served by post whether the expression "serve" or the expression "give" or "send" or any other expression is used unless the contrary intention appears the service shall be deemed to be effected by properly addressing preparing and posting a letter containing the document and unless the contrary is proved to have been effected at the time which the letter would be delivered in the ordinary course of post.

OFFENCES UNDER
TWO OR MORE
LAWS.
(52 & 53 VICT.
C. 63 S. 33.)

16. Where an act or omission constitutes an offence under two or more Regulations or both under a Regulation and at Common Law or under any other law for the time being in force in the Protectorate the offender shall unless the contrary intention appears be liable to be prosecuted and punished under any of those Regulations or at Common Law or under the other law but shall not be liable to be punished twice for the same offence.

JUDICIAL NOTICE
OF PROCLAMA-
TIONS AND
ORDERS.
(COMMONWEALTH
ACT 2 OF 1901
S. 31.)

17. Judicial notice shall be taken of every proclamation or order by the High Commissioner made or purporting to be made in pursuance of a Regulation or an Imperial Act.

GENERAL RULES OF CONSTRUCTION.

(1) *Commencement of Regulations.*

MEANING OF
"COMMENCE-
MENT."
(52 & 53 VICT.
C. 63 S. 36.)

18.—(1) The word "commencement" when used with reference to a Regulation shall mean the time at which the Regulation comes into operation.

(2) Where a Regulation is expressed to come into operation on a particular day it shall come into operation immediately on the expiration of the last preceding day.

EXERCISE OF
STATUTORY
POWERS
BETWEEN PASS-
ING AND COM-
MENCEMENT OF
REGULATIONS.
(52 & 53 VICT
C. 63 S. 37.)

19. When a Regulation is not to come into operation immediately on the passing thereof and confers power to make any appointment to make grant or issue any instrument (including any rules regulations or by-laws) to give notice to prescribe forms and to do anything for the purpose of the Regulation that power may unless the contrary intention appears be exercised at any time after the passing of the Regulation for the purpose of bringing the Regulation into operation at the commencement thereof.

Provided that any instrument made under the power shall not unless a contrary intention appears in the Regulation or the contrary is necessary for bringing the Regulation into operation come into operation until the Regulation comes into operation.

(2) *Repeal expiration and amendment of Regulations.*

EFFECT OF
REPEAL ON
REPEALED
REGULATIONS.
(52 & 53 VICT.
C. 63, S. 11 (1).)

20. The repeal of a Regulation or part thereof by which a previous Regulation or part thereof was repealed shall not have the effect of reviving such last-mentioned Regulation or part thereof without express words.

OTHER EFFECTS
OF REPEAL.
(52 & 53 VICT.
C. 63 S. 38 (2).)

21. Where a Regulation repeals in the whole or in part a former Regulation 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 Regulation so repealed; or

- (c) affect any right privilege obligation or liability acquired accrued or incurred under any Act so repealed; or
- (d) affect any penalty forfeiture or punishment incurred in respect of any offence committed against any Regulation so repealed; or
- (e) affect any investigation legal proceeding or remedy in respect of any such right privilege obligation liability penalty forfeiture or punishment as aforesaid and any such investigation legal proceeding or remedy may be instituted continued and enforced and any such penalty forfeiture or punishment may be imposed as if the repealing Regulation had not been passed.

22. Where a Regulation repeals in the whole or in part a former Regulation and substitutes provisions in lieu thereof the repealed provision shall remain in force until the substituted provisions come into operation.

REPEALED PROVISIONS IN FORCE UNTIL THOSE SUBSTITUTED OPERATE. (52 & 53 VICT. C. 63 S. 11 (2).)

23. Where a Regulation repeals and re-enacts with or without modifications any provisions of a former Regulation references in any other Regulation to the provisions so repealed shall unless the contrary intention appears be construed as references to the provisions so re-enacted.

REFERENCES TO REPEALED PROVISIONS. (52 & 53 VICT. C. 63 S. 38 (1).)

24. The expiration of a Regulation shall not affect any civil proceedings previously commenced under such but every such proceeding may be continued and everything in relation thereto may be done in all respects as if the Regulation continued in force.

EFFECT OF EXPIRATION OF REGULATION. (COMMONWEALTH ACT 2 OF 1901 S. 11.)

25. A Regulation amending another Regulation shall unless the contrary intention appears be construed with such Regulation and as part thereof.

CONSTRUCTION OF AMENDING REGULATION. (COMMONWEALTH ACT 2 OF 1901 S. 15.)

CONSTRUCTION OF POWERS AND DUTIES DEFINED BY REGULATIONS.

26. Where a Regulation confers powers to make grant or issue any instrument including order warrant scheme letters patent rules regulations or by-laws expressions used in the instrument shall unless the contrary intention appears have the same respective meanings as in the Regulation conferring the power.

CONSTRUCTION OF STATUTORY POWERS RULES ETC. (52 & 53 VICT. C. 63. S. 31,

27.—(1) Where a Regulation 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.

EXERCISE OF POWERS AND DUTIES. (52 & 53 VICT. C. 63 S. 32.)

(2) Where a Regulation confers a power to make any rules regulations or by-laws the power shall unless the contrary intention appears be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to rescind revoke amend or vary such rules regulations or by-laws.

POWER TO MAKE INCLUDES POWER TO RESCIND.

(3) Where a Regulation confers upon any person or authority a power to make appointments to any office or place the power shall unless the contrary intention appears be construed as including a power to remove or suspend any person appointed and to appoint another person temporarily in the place of any person so suspended or in place of any sick or absent holder of such office or place.

POWER TO APPOINT INCLUDES POWER TO REMOVE. (COMMONWEALTH ACT 2 OF 1901 S. 33 (4).)

Provided that where the power of such person or authority to make any such appointment is only exercisable upon the

recommendation or subject to the approval or consent of some other person or authority such power of removal shall unless the contrary intention appears only be exercisable upon the recommendation or subject to the approval or consent of some other person or authority.

CONSTRUCTION
OF POWER OF
EXTENDING
TIME.

28. Where in any Regulation a time is prescribed for doing any act or taking any proceeding and power is given to a Court or other authority to extend such time then unless the contrary intention appears the power may be exercised by the Court or other authority although the application for the same is not made until after the expiration of the time prescribed.

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By Command,

A. L. AYTON,

Acting Secretary to His Britannic Majesty's High Commissioner for the Western Pacific.

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