



## TRISTAN DA CUNHA

### REVISED EDITION OF THE LAWS, 2017

#### CONSTITUTIONAL AND ADMINISTRATIVE LAW

#### **APPLICATION OF ST HELENA LAW (TRISTAN DA CUNHA) ORDINANCE, 1987<sup>1</sup>**

*Ordinance T3 of 1987*

*In force 1 January 1988*

*Amended by Ordinance T1 of 2018 (w.e.f. 1 January 2018)*

*No subsidiary legislation to 1 November 2017*

*This Ordinance applies certain St Helena laws to Tristan da Cunha, including English laws applied to St Helena by the English Law (Application) Ordinance, 2005(SH) (see the text on this website.)*

*For other English laws applied to Tristan da Cunha of their own force or by Order in Council, see the List of UK Laws Applied to St Helena, Ascension and Tristan da Cunha, also on this website.<sup>2</sup>*

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#### **APPLICATION OF ST HELENA LAW (TRISTAN DA CUNHA) ORDINANCE, 1987**

AN ORDINANCE to provide for the application of the law of St Helena to Tristan da Cunha.

##### **Short title**

**1.** This Ordinance may be cited as the Application of St Helena Law (Tristan da Cunha) Ordinance, 1987.

##### **Meaning of Law of St Helena**

- 1A.** For purposes of this Ordinance, “the Law of St Helena” includes—
- (a) any Ordinance of St Helena and subsidiary legislation issued under it; and

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<sup>1</sup> Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 15 January 2018.

<sup>2</sup> For guidance in determining whether St Helena or English laws are applicable to Tristan da Cunha, and if so what modifications, qualifications, adaptations and exemptions should apply, see the extracts from the court judgments set out in the Annex to the General Introduction to the website.

- (b) any English law which applies to St Helena by virtue of the English Law (Application) Ordinance, 2005.

### **Application of St Helena Law**

2. (1) Subject to the following provisions, so much of the Law of St Helena as is in force on 1 January 2018 shall be in force in Tristan da Cunha.

(2) The said law of St Helena applies to Tristan da Cunha only in so far as it is applicable and suitable to local circumstances, and subject to such modifications, adaptations, qualifications and exemptions as local circumstances render necessary.

### **Exclusion of St Helena law in certain circumstances**

3. The said law of St Helena applies to Tristan da Cunha only insofar as it is not inconsistent with—

- (a) any enactment of the Parliament of the United Kingdom which extends to Tristan da Cunha otherwise than by virtue of this Ordinance;
- (b) any Order of Her Majesty in Council which extends to Tristan da Cunha otherwise than by virtue of this Ordinance; or
- (c) any provision made by or under any law enacted by a legislature of Tristan da Cunha.

### **Governor may make Order**

4. The Governor, after consultation with the Island Council of Tristan da Cunha, may, by Order published in the *Gazette*—

- (a) declare that any Law of St Helena referred to in section 2 is not suitable to local circumstances and that such Law is accordingly excepted from application by virtue of section 2(2); or
  - (b) direct that any Law of St Helena referred to in section 2 applies subject to any modifications specified in the Order.
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