



## ASCENSION

### REVISED EDITION OF THE LAWS, 2017

#### CONSTITUTIONAL & ADMINISTRATIVE LAW

#### **INTERPRETATION (ASCENSION) ORDINANCE, 1968<sup>1</sup>**

*Ordinance A2 of 1968  
In force 1 October 1970*

*Amended by Ord. A1 of 1988, L.N.A3/2009, Ord. A7 of 2014*

*No subsidiary legislation to 1 November 2017*

*But see the Proclamation of an Exclusive Economic Zone for Ascension, published as Legal Notice A2 of 2017<sup>2</sup>*

*See also the SH Interpretation Ordinance, 1968 for terms used in SH laws applied to Ascension and not defined in this Ordinance.*

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#### **INTERPRETATION (ASCENSION) ORDINANCE, 1968**

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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 1 November 2017.

<sup>2</sup> The exclusive economic zone extends 200 nautical miles from the nearest points on the baseline from which the breadth of the territorial waters adjacent to the Island of Ascension is measured. See the St Helena and Dependencies (Territorial Sea) Order 1989 (SI 1989/1994).

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AN ORDINANCE relating to the construction and interpretation of Ordinances, to regulate certain other matters relating to Ordinances and to statutory powers and duties, and to make general provision for purposes connected with or similar to those purposes.

## **PART I PRELIMINARY**

### **Short title**

**1.** This Ordinance may be cited as the Interpretation (Ascension) Ordinance, 1968.

### **Application**

**2. (1)** Subject to this section, this Ordinance applies for the construction and interpretation of and otherwise in relation to all Ordinances and subsidiary legislation for the time being in force in Ascension including this Ordinance and Ordinances enacted before the commencement of this Ordinance.

**(2)** If in any Ordinance or subsidiary legislation—  
 (a) it is expressly provided that this Ordinance or any provision of it does not apply; or  
 (b) there is something in the subject or context which is inconsistent with or repugnant to the application of this Ordinance or any provision of it, this Ordinance or that provision, as the case may be, does not apply.

**(3)** This Ordinance does not apply for the construction or interpretation of any Act of Parliament of the United Kingdom or of any Order in Council.<sup>3</sup>

## **PART II MEANING OF CERTAIN WORDS AND EXPRESSIONS**

### **Interpretation of words and phrases**

**3.** The following words and expressions have the meanings in this section assigned to them respectively, that is to say—  
**“Act”** means an Act of Parliament of the United Kingdom;  
**“act”**, used with reference to an offence or a civil wrong, includes a series of acts, and words which refer to acts done extend to unlawful omissions;  
**“Administrator”** means the person for the time being holding, or lawfully performing the functions of, the office of Administrator of Ascension;

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<sup>3</sup> The Interpretation Ordinance, 1968 of St Helena applies for the interpretation of provisions of St Helena Ordinances applied to Ascension, to the extent that this Ordinance does not apply to a provision.

- “Administrator in Council”** means the Administrator acting after consultation with the Island Council and in such Council assembled, but not necessarily in accordance with the advice of the Council;
- “advocate”** means a person entitled to practise as such in the Supreme Court or any court subordinate thereto under the provisions of any law for the time being in force relating to advocates;
- “animal”** includes birds, reptiles, fish and every kind of vertebrate animal and the young thereof;
- “applied St Helena Ordinance”** means an Ordinance of St Helena applied to Ascension by virtue of the St Helena Law (Application to Ascensionm) Ordinance, 1988;
- “Ascension”** means the Island of Ascension;
- “Attorney General”** means the person for the time being holding, or lawfully performing the functions of, the office of Attorney General of St Helena;
- “Cap.”** refers to an Ordinance given a Chapter number in the 2001 Revised Edition of the Laws of Saint Helena;
- “chief officer of police”** or any similar term means the most senior police officer of the Ascension detachment of the St Helena Police Service;
- “coin”** means any coin legally current in St Helena, Ascension or Tristan da Cunha;
- “commencement”,** used with reference to an Ordinance means the date on which the Ordinance comes into force;
- “common law”** means the common law of England;
- “the constitution”** means the Constitution set out in the Schedule to the St. Helena, Ascension and Tristan da Cunha Constitution Order 2009;
- “Consolidated Fund”** in relation to St Helena means the Consolidated Fund established by section 98 of the Constitution, and in relation to Ascension means the fund established by section 166 of the Constitution;
- “contravene”** in relation to any requirement or condition prescribed in any written law or in any grant, permit, lease, licence or authority granted by or under any written law includes a failure to comply with that requirement or condition;
- “coroner”** means a person appointed as such under section 15(2) of the Coroners and Presumption of Death (Ascension) Ordinance, 2015;
- “Council Committee”** or **“Committee”** in relation to functions under an Ascension Ordinance means the Island Council when exercising those functions;
- “Court of Appeal”** means the St Helena Court of Appeal or any court substituted for that court having jurisdiction to hear and determine appeals from the Supreme Court;
- “Crown lands”** means all public lands in St Helena or Ascension which are for the time being subject to the control of Her Majesty and all lands which have been acquired by Her Majesty for the public service or otherwise;
- “Director of Resources”** means the person for the time being holding, or lawfully performing the functions of, the office of Director of Resources;
- “dues”** includes duties, rates and taxes;
- “financial regulations”** means regulations made under section 5 of the Financial Management Ordinance, 2001;
- “export”** means take or cause to be taken out of Ascension;
- “Gazette”** means the St Helena Government Gazette and includes any supplement thereto and any Gazette Extraordinary;
- “Governor”** means the person for the time being holding, or lawfully performing the functions of, the office of Governor of Ascension;
- “Government”** means Her Majesty’s government in right of St Helena or of Ascension, as the case may be;

**“Governor in Council”** in relation to Ascension means the Administrator;

**“Harbour Master”** means, for St Helena, the person appointed as such under section 3 of the Ports Ordinance, 2016, and for Ascension has the same meaning as in the Harbours Ordinance, 2005;

**“Her Majesty”** and **“the Queen”** include Her Majesty the Queen, Her Heirs and Successors;

**“Her Majesty’s dominions”** includes the United Kingdom of Great Britain and Northern Ireland, all British possessions and all countries within the Commonwealth whereof Her Majesty is the Sovereign;

**“import”** means bring or cause to be brought into Ascension;

**“Island Council”** means the Island Council constituted by section 149 of the Constitution;

**“Islander”** in relation to St Helena has the meaning given to that term by Schedule I to the Immigration Ordinance, 2011;

**“land”** or **“lands”** includes messuages, tenements, hereditaments, houses and buildings of any tenure;

**“Legislative Council”** in relation to Ascension means the Island Council;

**“local enactment”** means any Ordinance enacted for the peace, order and good government of St Helena or Ascension, as the case may be;

**“master”** in relation to a ship, means any person (other than a pilot or harbourmaster) having charge, control or command of a ship;

**“medical practitioner”** means a person who may lawfully practise medicine or surgery under the Medical Practitioners (Ascension) Ordinance, 1910;

**“month”** and **“year”** mean respectively a month and a year reckoned according to the British Calendar;

**“oath”, “swear” and “affidavit”** include the affirmation and declaration of any person who by law is permitted to make an affirmation or declaration in substitution for an oath;

**“or”, “other” and “otherwise”** are to be construed disjunctively and not as implying similarity, unless the word **“similar”** or other word having the like meaning is added;

**“Order in Council”** means an Order made by Her Majesty in Council;

**“Ordinance”** includes a local enactment, any subsidiary legislation made under the authority of an Ordinance or other written law, and a reference to a particular Ordinance includes a reference to any subsidiary legislation made under it;

**“Part”, “section”, “paragraph” and “Schedule”** mean respectively a Part, section and paragraph of, and Schedule to, the Ordinance in which the word occurs, and

**“person”** includes any company, any association and body of persons, corporate or unincorporated;

**“police”** or **“police service”** means the St Helena Police Service established by the Police Service Ordinance, 1975 and in Ascension means the police detachment for Ascension;

**“police officer”, “police constable” and “constable”** include any person appointed to act as such, or as a special constable, and any person acting in aid or under the direction of a police officer;

**“prescribed”** means prescribed by the Ordinance in which the word occurs or by any rules made under it;

**“property”** includes land, goods, chattels, money, valuable securities, documents and every other matter or thing, whether real or personal, upon or in respect of which any offence may be committed;

**“public holiday”** means any day so declared in accordance with the provisions of any local enactment relating to public holidays;

**“public office”** means an office of emolument in the public service, and **“public officer”**

Is to be construed accordingly: but a person is not deemed to hold a public office by reason only that the person is in receipt of a pension or other like allowance in respect of service under the Crown;

**“public seal”** means the public seal of Ascension;

**“public service”** means the service of the Crown in a civil capacity in respect of the Government of Ascension;

**“registered”**, in relation to a document, means registered under the provisions of the written law applicable to the registration of such document;

**“Registrar”** means the Registrar of the Supreme Court;

**“regulations”** includes rules, orders and by-laws;

**“rules”** includes regulations, orders and by-laws;

**“Secretary of State”** means one of Her Majesty’s Principal Secretaries of State;

**“Senior Medical Officer/Clinical Director”** in relation to Ascension means the most senior medical officer;

**“Sheriff of St Helena”** in relation to Ascension means the chief officer of police;

**“sign”**, in relation to a person who is unable to write his or her name, includes the making of a mark by the person;

**“St Helena”** means the Island of St Helena, unless the context requires that the expression be construed as a reference to St Helena, Ascension and Tristan da Cunha;

**“statutory declaration”** means a declaration made under the Statutory Declarations Act, 1835 (UK);

**“subsection”** and **“sub-paragraph”** mean a subsection and sub-paragraph of the section and paragraph in which the word occurs;

**“subsidiary legislation”** means any proclamation, rule, regulation, order, notice, by-law, or other instrument made under the authority of any Ordinance or other lawful authority and having legislative effect;

**“summary conviction”** means a conviction under and by virtue of any law for the time being in force conferring the power of summary adjudication on magistrates or justices of the peace;

**“Tristan da Cunha”** means the Island of Tristan da Cunha and includes the Islands of Gough, Nightingale and Inaccessible;

**“vessel”** includes any ship, boat or other description of vessel used in maritime navigation;

**“warrant”** means a warrant under the hand of the person issuing the same;

**“will”** includes a codicil;

**“writing”** includes printing, photography, lithography, type-writing and any other form of representing or reproducing words in visible form;

**“written law”** means all Ordinances, all subsidiary legislation, all Acts of Parliament of the United Kingdom extending expressly or by necessary implication, or applied to, or otherwise having the force of law in St Helena or Ascension, and all Orders in Council, Letters Patent and Royal Instructions so extending or applied or having such force.

(2) In the construction of references to the Governor or the Governor in Council, regard must be had to the provisions of sections 43 and 44 of the Constitution.

(3) A term defined in section 115 or 180 of the Constitution, as the case may be, has the same meaning in an Ordinance, unless the Ordinance otherwise expressly provides.

(4) A reference to a written law is a reference to it as amended or replaced from

time to time and a reference to an Act of Parliament is to it as applied to St Helena or to Ascension, as the case may be.

(5) The terms ‘attorney’ ‘advocate’, ‘barrister’, ‘counsel’ ‘legal practitioner’, ‘solicitor’ and ‘legally represented’ are to be construed by reference to the term ‘legal representative’ as defined in sections 115 or 180 of the Constitution, as the case may be.

### **Grammatical variations, etc.**

4. (1) If any word is defined in any Ordinance, including this Ordinance, the definition extends to the grammatical variations of the word or expression so defined and to any cognate expression of it.

(2) Words importing the masculine gender include females.

(3) Words in the singular include the plural and words and expressions in the plural include the singular.

## **PART III ORDINANCES AND SUBSIDIARY LEGISLATION**

### **Ordinances to be public Ordinances**

5. Every Ordinance is deemed to be a public Ordinance and judicial notice must be taken of it accordingly unless the contrary is expressly provided and declared by such Ordinance.

### **Commencement of Ordinances**

6. (1) Subject to this section, the date of commencement of any Ordinance is the date on which the Ordinance is published, that is to say the date on which a copy of the Ordinance is affixed to the public notice board outside the office of the Administrator, unless some other date of commencement is expressly provided in the Ordinance.

(2) Every Ordinance is deemed to come into operation immediately on the expiration of the day preceding its date of commencement.

(3) A provision in an Ordinance regulating the coming into force of the Ordinance or any part of it has effect even if the part of the Ordinance containing that provision has not come into operation.

### **Repealed Ordinances not revived**

7. If any Ordinance which repeals in whole or in part a previously enacted Ordinance is itself repealed, that last mentioned repeal does not revive the Ordinance or provisions before repealed unless express provision is made for such revival.

### **If repealed provisions of Ordinances remain in force**

**8.** If by any Ordinance provision is made for the repeal in whole or in part of a previously enacted Ordinance and for the substitution of other provisions for those so repealed, such repeal has no effect until the substituted provisions come into operation by virtue of such Ordinance.

### **Effect of repeal**

- 9.** (1) If an Ordinance repeals any other enactment the repeal does not—  
 (a) revive anything not in force or existing at the time at which the repeal takes effect;  
 (b) affect the previous operation of the enactment so repealed or anything duly done or suffered under it;  
 (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the enactment so repealed;  
 (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against such enactment prior to its repeal; 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 or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the enactment had not been repealed.
- (2) Upon the expiry of an Ordinance, this section applies as if the Ordinance had been repealed.

### **Amended Ordinances**

**10.** (1) If in any Ordinance a reference is made to any other Ordinance the reference is deemed to be a reference to that other Ordinance as from time to time amended.

(2) If any Ordinance repeals and re-enacts, with or without modification, any provision of any previously enacted Ordinance, a reference in any other Ordinance to the provision so repealed is to be construed as a reference to the provision so re-enacted.

### **Construction of amended Ordinance**

- 11.** If an Ordinance amends any other Ordinance—  
 (a) the amended Ordinance may in the amending Ordinance be referred to as the principal Ordinance; and  
 (b) the amending Ordinance is so far as is consistent with the tenor thereof to be construed as one with the amended Ordinance.

### **Meaning of reference to the number of a line**

**12.** A reference in any Ordinance to a line of any section of an Ordinance is to be construed as a reference to such line as it occurs in the latest official printed copy of such Ordinance in existence at the time of the enactment of the Ordinance containing such reference.

### **Subsidiary legislation**

**13.** If by any Ordinance power is conferred upon any authority to make subsidiary legislation, the following provisions have effect—

- (a) any such subsidiary legislation may at any time be amended, varied, suspended or revoked by the same authority and in the same manner by and which it was made:
 

Provided that where such authority has been replaced, wholly or partially, by some other authority the power conferred by this paragraph upon the original authority may be exercised by such other authority in relation to all matters within the extent of its jurisdiction as if it were the original authority;
- (b) any such subsidiary legislation may provide that in respect of any contravention of it the offender is liable on conviction to such fine not exceeding £100, or to such term of imprisonment not exceeding 6 months, or to both, as is prescribed in it;
- (c) such subsidiary legislation must be published in the *Gazette* and must be judicially noticed;
- (d) where in any subsidiary legislation a reference is made to “the Ordinance” the reference is to shall be construed as a reference to the Ordinance by which power is conferred to make such subsidiary legislation.

### **Commencement of subsidiary legislation**

**14. (1)** Subject to this section, the date of commencement of any subsidiary legislation is the date on which it is published, that is to say, the date on which a copy of the subsidiary legislation is affixed to the public notice board outside the office of the Administrator, unless some other date of commencement is expressly provided in the subsidiary legislation.

**(2)** All subsidiary legislation is deemed to come into operation immediately on the expiration of the day preceding its date of commencement.

**(3)** Subsidiary legislation made and published on the date of commencement of the Ordinance under which it is made is deemed to come into force simultaneously with that Ordinance.

**(4)** References in this section to the commencement of the Ordinance under which subsidiary legislation is made are, if different provisions of that Ordinance come into force on different dates, to be construed as references to the commencement of the particular provision under which the subsidiary legislation is made.

**(5)** The provisions of this section do not affect to the provisions of section 21.

### **Miscellaneous provisions relating to subsidiary legislation**

**15. (1)** Words and expressions used in subsidiary legislation have the same meaning as in the Ordinance under which the subsidiary legislation is made.

(2) Any provision of subsidiary legislation which is inconsistent with any provision of any Ordinance, including the Ordinance under which the subsidiary legislation is made, is void to the extent of the inconsistency.

(3) An act done under or by virtue of or in pursuance of subsidiary legislation is deemed to be done under or by virtue of or in pursuance of the Ordinance conferring power to make the subsidiary legislation.

(4) Subsidiary legislation is deemed to be made under all relevant powers, whether or not it purports to be made in exercise of a particular power or particular powers.

(5) Section 9 applies upon the revocation of subsidiary legislation as it applies on the repeal of an Ordinance.

(6) Upon the repeal or expiry of an Ordinance, all subsidiary legislation made under it is deemed to have been revoked on the same date as that on which the Ordinance ceases to have effect.

## **PART IV PUBLIC OFFICERS**

### **References to public officers**

16. (1) If in any written law there is a reference to a public officer by the title of his or her office, the reference is to be construed as a reference to the person holding or for the time being exercising the powers and performing the duties of that office:

Provided that if the Governor has appointed a public officer to be responsible for the administration of the subject or matter referred to in such written law, the reference is to be construed as a reference to that public officer.

(2) If powers and duties are conferred and imposed by any written law upon the holder of an office—

- (a) which has been abolished;
- (b) which has been amalgamated with some other office; or
- (c) the duties of which have devolved upon some other person,

the powers and duties may be exercised and performed by a person in the public service from time to time authorised by the Governor in writing for the purpose.

(3) If any act, proceeding or transaction is lawfully done or begun by the holder of any public office, such act, proceeding or transaction may be continued, confirmed, abandoned, withdrawn, and otherwise proceeded upon by any other public officer from time to time lawfully empowered to exercise the power under which the act, proceeding or transaction was done or begun.

### **Change in title of public office**

17. When any change occurs in the title of any public office —

- (a) the Governor may by notice published in the Gazette declare that such change of title is to take effect from a date specified in the notice; and

- (b) with effect from the date so specified any reference in any written law to the former title of such office is to be construed as a reference to that office by such new title.

### **Provision for execution of duties of public officer during absence or inability to act**

**18.** (1) If by or under any Ordinance any powers or duties are conferred or imposed upon a public officer, and owing to absence or inability from illness or any other cause the public officer is unable to exercise the powers or perform the duties –

- (a) the Administrator may direct that those powers and duties are to be exercised and performed by the person named or the public officer holding the public office designated by the Administrator; and
- (b) thereupon such person or public officer, for the period of such absence or inability, has and may exercise those powers and must perform those duties, subject to any conditions, exceptions and qualifications the Governor directs.

(2) If the substantive holder of any office in the public service is on leave of absence pending relinquishment of his or her office, another person may be appointed to be the substantive holder of that office.

### **Appointment of public officer to board, etc.**

**19.** If under any written law power is conferred upon any authority to appoint any person to be a member of any board, commission, committee or other similar body –

- (a) the authority may appoint as such member any public officer by the designation of his or her office; and
- (b) on such appointment and until such appointment is revoked or otherwise determined, the person for the time being holding or exercising the powers and performing the duties of that office is a member of such board, commission, committee or body.

### **Appointment by name or office**

**20.** If under any written law any authority is empowered to appoint or nominate a person to have and exercise any powers or perform any duties, the authority may—

- (a) appoint a person by name; or
- (b) direct the person for the time being holding the office designated by the authority to have and exercise those powers and perform those duties, and thereupon, or from the date specified by the authority, the person appointed by name or holding the office so designated has and may exercise such powers and must perform such duties accordingly.

## **PART V - POWERS AND DUTIES**

### **Exercise of power between publication and commencement of Ordinance**

**21.** If by any Ordinance which is not to come into operation immediately on the publication thereof a power is conferred to—

- (a) make any appointment or establish any office;
- (b) make any subsidiary legislation;

- (c) issue any order with respect to the application of the Ordinance; or
- (d) do any other thing for the purposes of the Ordinance,

such power may be exercised at any time after the publication of the Ordinance:

Provided that no appointment, subsidiary legislation, order or other thing made or done under the exercise of such power has effect until the commencement of the Ordinance, unless it is necessary for bringing the Ordinance into operation.

### **Powers, etc., conferred by Act on holders of non-existent offices**

**22.** If powers and duties are conferred or imposed by any Act upon the holder of an office which does not exist in Ascension, the powers and duties may be exercised and performed by a person from time to time authorised for the purpose by the Governor.

### **Exercise of powers and duties**

**23.** If powers and duties are conferred or imposed by any Ordinance, any such power may be exercised and any such duty must be performed from time to time as occasion requires.

### **Implied powers**

**24.** If an Ordinance confers a power on any person to do or enforce the doing of any act or thing, all such additional powers are deemed to be given as are reasonably necessary to enable the person to do or enforce the doing of the act or thing.

### **Power to appoint includes power to remove**

**25.** If by any Ordinance a power to make any appointment is conferred, the Governor or the authority empowered to make the appointment has power, subject to any limitations or qualifications which affect the power of appointment, to revoke any such appointment and to remove, suspend, reappoint or reinstate any person appointed in the exercise of such power.

### **Power to appoint member of board, etc., temporarily**

**26.** If by any Ordinance a power is conferred upon any authority to appoint any person to be a member of any board, commission, committee or other similar body and any member so appointed is unable to act as such owing to absence or inability from illness or any other cause, that authority may appoint some other person temporarily to act for such member during the period of such absence or inability.

### **Power to appoint Chair, etc.**

**27.** If by any Ordinance a power is conferred on any authority to appoint any board, commission, committee or other similar body, that authority may appoint a Chair, vice-Chair and secretary of such board, commission, committee or similar body.

### **Power of majority**

**28.** If by any Ordinance an act or thing may be or is required to be done by more than 2 persons, the act or thing may be done by a majority of such persons.

### **Power to fill vacancies**

**29.** If by any Ordinance, powers and duties are conferred or imposed upon any person to be elected or appointed and such election or appointment has not been made or the person elected or appointed declines to act, the Governor may appoint any person to exercise the powers and perform the duties until a person is elected or appointed and is willing to act.

### **Delegation of powers by Governor**

**30. (1)** Where by any Ordinance powers and duties are conferred or imposed upon the Governor –

- (a) the Governor may, unless by law expressly prohibited from so doing, by notice published in the *Gazette*, depute any person by name, or the person for the time being holding the office designated by the Governor, to exercise those powers and perform those duties on the Governor's behalf, subject to any conditions, exceptions and qualifications the Governor specifies; and
- (b) upon publication of such notice or from any later date specified in it, that person has and may exercise those powers and must perform those duties, subject as aforesaid:

**(2)** Subject to the provisions of the Constitution relating to the appointment of a deputy to the Governor, subsection (1) does not authorise the Governor to delegate to any person the power to make rules or to make or issue any warrant or proclamation.

### **Signification of orders, etc. of Governor, etc.**

**31. (1)** Where by any Ordinance the Governor is empowered to—

- (a) make any subsidiary legislation or appointment;
- (b) give any directions or issue any order;
- (c) authorise any thing or matter to be done or omitted;
- (d) grant any exemption or remit any fee or penalty; or
- (e) exercise any other power,

it is sufficient if the exercise of the power by the Governor is signified under the hand of the Chief Secretary of St Helena, or of the Administrator:

**(2)** Subsection (1) does not apply to the power of the Governor to make or issue any warrant or proclamation, which must be made or issued under the hand of the Governor only.

### **Powers of a board, etc. not affected by vacancy, etc.**

**32.** If by any Ordinance any board, commission, committee or other similar body, whether corporate or unincorporated, is established, then, unless the contrary intention appears, the powers of such board, commission, committee or other similar body are not affected by—

- (a) any vacancy in its membership;

- (b) the presence at or participation in a meeting of the body of any person not entitled to be present at it or to participate in it; or
- (c) any minor irregularity in the convening of any such meeting.

### **Rectification of errors<sup>4</sup>**

**33.** (1) The Attorney General may, by Order published in the *Gazette*, rectify any printing or clerical error appearing in any Ordinance or subsidiary legislation.

(2) Every Order made under this section must be laid before the Island Council at its next meeting and if a resolution is passed by the Island Council that the Order be annulled, it is from that date void.

## **PART VI - MISCELLANEOUS**

### **Distance**

**34.** Any distance to be measured for the purposes of any Ordinance is to be measured in a straight line on a horizontal plane.

### **Time**

**35.** If any expression of time occurs in any Ordinance, the time referred to signifies the standard time of Ascension which, until the Governor prescribes otherwise by proclamation, is Greenwich Mean Time.

### **Computation of time**

- 36.** (1) In computing time for the purposes of any Ordinance—
- (a) a period of days from the happening of an event or the doing of any act or thing is 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 holiday (which days are in this section referred to as excluded days) the period includes 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 is to 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;
  - (d) when an act or proceeding is directed or allowed to be done or taken within any time not exceeding 6 days, excluded days must not be reckoned in the computation of the time.

(2) If no time is prescribed or allowed within which any thing is to be done, the thing must be done without unreasonable delay and as often as due occasion arises.

### **Offences under two or more laws**

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<sup>4</sup> This section was inserted as section 32A by Ord. 7 of 2014, and replaces section 33 which was repealed by L.N.3/2009.

**37.** If an act or omission constitutes an offence under 2 or more Ordinances, or under an Ordinance and any other law, the offender is liable to be prosecuted and punished under either or any of such Ordinances or laws, but is not liable to be punished twice for the same offence.

### **Disposal of forfeits, etc.**

**38. (1)** If any animal or thing is adjudged by any court or other authority to be forfeited, it must be forfeited to the Crown and the net proceeds thereof, if it is ordered by a competent authority to be sold, must be paid into and form part of the Consolidated Fund.

**(2)** All dues, fees, fines and pecuniary penalties must be paid into and form part of the Consolidated Fund.

**(3)** Nothing in this section affects any provision of any Ordinance whereby any portion of any fine, penalty 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.

### **Penalties**

**39. (1)** If in an Ordinance a fine or penalty is prescribed for any offence against that Ordinance, the provision is deemed to mean that the offence is punishable upon conviction by a fine or penalty not exceeding the fine or penalty prescribed.

**(2)** A person who contravenes any provision of any Ordinance for the contravention of which no penalty is provided in the Ordinance is liable on conviction to a fine of £200.

**(3)** A person who wilfully obstructs any person in performing any duties under any Ordinance commits an offence and is, if no penalty is provided for such obstruction, liable on conviction to a fine of £200.

### **Forms**

**40. (1)** If any form is prescribed by any Ordinance, an instrument or document which purports to be in that form is not void by reason of any deviation from such form which does not affect the substance of it or which is not calculated to mislead any person or authority.

**(2)** If forms are not prescribed in any Ordinance, such forms as the Governor or the Administrator directs may be used for the purposes of the Ordinance for which forms are required.

### **Fees**

**41. (1)** If any Ordinance confers powers on the Governor or any authority to prescribe fees and charges, the instrument prescribing such fees and charges may provide for all or any of the following matters—

**(a)** the imposition either generally or under specified conditions or in specified circumstances of—

- (i) specific fees and charges;
  - (ii) maximum and minimum fees and charges; or
  - (iii) no fee or charge;
- (b) the reduction, waiver or refund in whole or in part of any such fees and charges, either upon the happening of a specified event or in the discretion of a specified person.

**(2)** If provision is made for the reduction, waiver or refund in whole or in part of any fee or charge, such reduction, waiver or refund may be expressed to apply or be applicable either generally or specifically—

- (a) in respect of certain matters or transactions or classes of matters or transactions;
- (b) in respect of certain documents or classes thereof;
- (c) when any event happens or ceases to happen;
- (d) in respect of certain persons or classes of persons; or
- (e) in respect of any combination of all or any such matters, transactions, documents, events or persons,

and may be expressed to apply subject to any conditions specified in the instrument or in the discretion of a specified person.

**(3)** Fees and charges imposed under any Ordinance must, when collected, be paid into and form part of the Consolidated Fund.

### **References to the Crown**

**42.** Any reference in any Ordinance to the Sovereign or to the Crown is to be construed as a reference to the Sovereign for the time being.

### **Saving of rights of Crown**

**43.** (1) No Ordinance in any manner whatever affects the rights of the Crown, unless it is expressly provided in the Ordinance or unless it so appears by necessary implication.

**(2)** This Ordinance is binding on the Crown.

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