

CYPRUS

INTERPRETATION

CHAPTER 1 OF THE LAWS

1959 EDITION

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1959

CHAPTER 1.

INTERPRETATION.

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A LAW TO CONSOLIDATE THE LAW RELATING TO THE CONSTRUCTION OF LAWS AND TO MAKE BETTER PROVISION FOR THE DEFINITION AND INTERPRETATION OF CERTAIN WORDS AND EXPRESSIONS AND MATTERS INCIDENTAL THERETO.

1949 Cap. 1.
30 of 53.
19 of 54.
30 of 54
42 of 55.
19 of 56.

[20th September, 1935.]

Short title.

1. This Law may be cited as the Interpretation Law.

Interpreta-
tion of
certain
words and
expressions.

2. In this Law and in every other Law, and in all public instruments, enacted, made, issued, kept or in use, before or after the commencement of this Law, the following words and expressions shall have the meanings hereby assigned to them respectively, unless there is something in the subject or context inconsistent with such construction or unless it is therein otherwise expressly provided—

“ Accountant-General ” means the Accountant-General to the Government ;

“ act ” used with reference to an offence or civil wrong, includes a series of acts, and words which refer to acts done extend to illegal omissions ;

“ Administrative Secretary ” means the Administrative Secretary to the Government and includes the Deputy Administrative Secretary ;

“ advocate ” means a person enrolled as such under the Advocates Law, or any Law amending or substituted for the same, or any Law previously in force in that behalf ;

“ Attorney-General ” means the Attorney-General for Cyprus ;

“ Chapter,” “ Part,” “ section ” and “ Schedule ” denote respectively a chapter, Part and section of and Schedule to the Law in which the word occurs, and “ subsection ” denotes a subsection of the section in which the word occurs ;

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55 Vol. II,
614.

Cap. 2.

“ Chief Constable ” and “ Deputy Chief Constable ” mean respectively the Chief Constable and the Deputy Chief Constable of the Cyprus Police Force ; <sup>56 Vol. II,
1249.</sup>

“ Chief Justice ” and “ Puisne Judge ” means respectively the Chief Justice and a Puisne Judge of the Supreme Court ;

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

“ Chief Veterinary Officer ” means the Chief Veterinary Officer to the Government ;

“ christian name ” means any name prefixed to the surname whether received in Christian baptism or otherwise ;

“ Colony ” means the Colony of Cyprus, and includes the territorial waters thereof, and all islands or islets within such territorial waters ;

“ commencement ” with its grammatical variations and cognate expressions, when used with reference to a Law means the day on which the Law comes into operation ;

“ Commissioner ” means the Commissioner of a district and includes an Assistant Commissioner ;

“ Commissioner of Labour ” means the Commissioner of Labour to the Government and includes the Assistant Commissioner of Labour ; <sup>2(a) of
30/53.</sup>

“ Comptroller ” means the Comptroller of Customs and Excise to the Government ;

“ Court of Appeal ” means the Supreme Court of the Colony in its appellate capacity ;

“ Cypriot ” means a person who, being a former Turkish National, has become or is entitled to become a British subject under and by virtue of the Cyprus (Annexation) Orders in Council, 1914 to 1943, and includes a child of such person who is or is entitled to become a British subject and any descendant of such child born in the Colony ;

“ Cyprus Police Force ” means the Police Force of the Colony constituted under the Law in force for the time being ;

“ days ” means clear days ;

“ Department ” means a Department of the Government performing public duty by authority and on behalf of Her Majesty ;

“ Department of the Accountant-General ” means the Department of the Accountant-General and includes the Treasury of the Colony and the District Treasuries ;

“ Director of Agriculture ” means the Director of Agriculture to the Government ;

54 Vol. II,
604.

“ Director of Audit ” means the Director of Audit to the Government ;

“ Director of Education ” means the Director of Education to the Government ;

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604.

“ Director of Lands and Surveys ” means the Director of Lands and Surveys to the Government ;

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604.

“ Director of Medical Services ” means the Director of Medical Services to the Government ;

“ Director of Public Works ” means the Director of Public Works to the Government ;

“ District ” means an area declared to be a district by any Law or proclaimed to be a district by the Governor under the authority of any Law in force for the time being, and includes a sub-district ;

“ District Court ” means a District Court constituted under the Law in force for the time being ;

“ District Inspector ” means a District Inspector serving in the District Administration and includes an Assistant District Inspector ;

“ donum ” or “ scala ” means an area of one thousand and six hundred square yards according to the British Imperial Standard ;

2(a) of 30/53.

“ Financial Secretary ” means the Chief Financial Adviser to the Government ;

“ financial year ” means the twelve months ending the thirty-first day of December in any year ;

“ Gazette ” means the Cyprus Gazette published by authority of the Government and includes supplements thereto and any extraordinary issue thereof so published ;

“ gazetted ” means published in the Gazette ;

“ Government ” means the Government of the Colony ;

“ Government Analyst ” means the Analyst to the Government and includes any assistant or other analyst employed by the Government ;

“ Government Bacteriologist ” means the Bacteriologist to the Government ;

“ Government Printer ” means the Superintendent of the Government Printing Office and includes any printer purporting to be the printer authorized to print Laws and other documents of the Government ;

“ Governor ” means the Governor of the Colony and includes the Acting Governor or the Officer for the time being administering the Government ;

“ Governor in Council ” or any cognate phrase means the Governor acting with the advice of the Executive Council of the Colony, but not necessarily acting in such Council assembled, nor necessarily in accordance with such advice ;

“ His Majesty ” or “ Her Majesty , ” “ the King ” or “ the Queen ” or “ the Crown ” means His Majesty the King, or Her Majesty the Queen, Sovereign for the time being of the United Kingdom and other Realms and Territories of the Commonwealth, and includes predecessors and the heirs and successors of such King or Queen ;

“ Imperial Parliament ” or “ Parliament ” means the Parliament of the United Kingdom ;

“ Law ” means any enactment by the competent legislative authority of the Colony but does not include an Act of Parliament extending expressly or by implication or applied by a Law to the Colony nor an Order of Her Majesty in Council, Royal Charter or Royal Letters Patent ;

2(a) of
30/53.

“ the Law ” when used in any public instrument, means the Law under the authority of which such public instrument has been made ;

“ Law Officer ” means the Attorney-General, the Solicitor-General or a Crown Counsel ;

“ Loan Commissioners ” means the Board of Com-

Cap. 208.

missioners constituted under the authority of the Public Loans Law ;

“ master,” when used with reference to a vessel, means any person (except a pilot or harbour master) having for the time being control or charge of the vessel ;

“ Medical Department ” means the Medical Department of the Colony ;

“ Medical Officer ” means a medical practitioner in the service of the Government ;

“ month ” means a calendar month ;

“ Municipal Authority ” means a Municipal Council or a Municipal Commission or other body duly authorized by law to exercise municipal authority and government ;

“ oath,” “ swear ” and “ affidavit ” include and apply to the affirmation or declaration of any person by law allowed to make an affirmation or declaration in lieu of an oath ;

“ order,” “ regulations,” “ rules ” and “ bye-laws ” mean respectively any order, regulations, rules and bye-laws made in pursuance of powers conferred by law ;

“ Order in Council ” means an Order made in pursuance of powers conferred by law on the Governor in Council ;

“ peace officer ” or “ police officer ” means any member of the Cyprus Police Force and includes every other person lawfully authorized to discharge police duties ;

“ person ” includes any company, partnership, association, society, institution or body of persons, corporate or unincorporate ;

“ Postmaster-General ” means the Postmaster-General to the Government ;

“ pound ” means pound sterling ;

“ prescribed ” means prescribed by the Law in which the word occurs or by any public instrument made thereunder ;

“ public holiday ” means any day which under the provisions of any Law for the time being in force is or is declared to be or proclaimed as a public holiday ;

“ public instrument ” means any Order in Council,

order, proclamation, regulations, rules, bye-laws, notice, or register made, issued or kept under the authority of any Law ;

“ public notice ” means any announcement not of a legislative nature which is gazetted ;

“ public officer ” includes every officer in the public service of the Colony who is invested with powers or performs duties of a public nature, whether under the immediate control of the Governor or not ;

“ register ” means any register kept or in use under the authority of any Law or public instrument ;

“ registered,” when used with reference or in relation to any document, means registered under the provisions of the Law for the time being applicable to the registration of such document ;

“ Rules of Court,” when used in relation to any Court, means rules made or issued by the authority having for the time being power to make or issue rules or orders regulating the practice and procedure of such Court ;

“ rural constable ” means a person appointed as such under the Rural Constables Law, and includes a temporary rural constable ; Cap. 287.

“ sale ” and “ sell ” include exchange, barter and offering or exposing for sale ;

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

“ the Secretary of State ” means Her Majesty’s Secretary of State for the Colonies ;

“ service by post ”—where a Law or public instrument authorizes or requires any document to be served by post, whether the expression “ service,” or the expression “ give ” or “ send ,” or any other expression is used, then, unless a contrary intention appears, the service shall be deemed to be effected by properly addressing, prepaying and posting a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post ;

“ sign,” with its grammatical variations and cognate expressions, with reference to a person who is unable to write his name, includes the making of his mark ;

“ Solicitor-General ” means the Solicitor-General for Cyprus ;

“ Supreme Court ” means the Supreme Court of the Colony constituted under the Law in force for the time being ;

“ territorial waters ” means any part of the open sea within one marine league of the coast of the Colony, measured from low water mark ;

“ United Kingdom ” when used in this or any other Law or public instrument—

(a) enacted or made before the 1st October, 1921, means Great Britain and Ireland ;

(b) enacted or made after the 1st October, 1921, means Great Britain and Northern Ireland ;

“ vessel ” includes any ship, boat, lighter or other floating craft used for transport by water ;

“ Village Authority ” or “ Village Commission ” means the mukhtar and azas for the time being of any town, village or quarter of any town or village ;

“ will ” includes codicil ;

where the words “ or,” “ other ” and “ otherwise ” are used, they shall be construed disjunctively and not as implying similarity, unless the word “ similar ” or some other word of like meaning is added ;

words importing the masculine gender include females ;

words in the singular include the plural, and words in the plural include the singular ;

“ writing,” and expressions referring to writing, include printing, lithography, type-writing, photography, and other modes of representing or reproducing words in visible form ;

“ year ” means a calendar year.

Laws to be public Laws.

3. Every Law shall be a public Law and shall be judicially noticed as such, unless the contrary is expressly provided or declared by the Law.

Sections to be substantive enactments.

4. Every section of a Law shall have effect as a substantive enactment without introductory words.

Citation of Laws.

5. When a Law is referred to, it shall be sufficient for all purposes to cite the Law either by the short title, if any, by which it is made citable, or by the year of its passing and its number among the Laws of that year or in the case of the revised edition of the Laws issued under any Law

providing for the issue of a revised edition, by its short title or its number ; and the reference may in all cases be made according to the copies of Laws purporting to be printed by the Government Printer.

6. When any Law, or part of a Law, or any public instrument made or issued thereunder is expressed to come into operation on a particular day, it shall be construed as coming into operation immediately on the expiration of the day next preceding such day.

Time when Law or public instrument comes into operation.

7. Every Law and any public instrument made or issued under any Law or other lawful authority and having legislative effect shall be published in the Gazette and unless it be therein otherwise provided shall take effect and come into operation on the date of such publication and shall be judicially noticed.

Commencement of legislation.

8. Where a Law repeals a repealing enactment, it shall not be construed as reviving any enactment previously repealed, unless words are added reviving that enactment.

Repeal of repealing enactment.

9. Where a Law repeals wholly or partially any former enactment and substitutes provisions for the enactment repealed, the repealed enactment shall remain in force until the substituted provisions come into operation.

Repeal and substitution.

10. (1) Where a Law repeals and re-enacts, with or without modification, any provision of a former Law, references in any other Law to the provision so repealed, shall, unless the contrary intention appears, be construed as references to the provision so re-enacted.

Effect of repeal in future Laws.

(2) Where a Law repeals any other enactment, 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 enactment so repealed or anything duly done or suffered under any enactment so repealed ; or
- (c) affect any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment so repealed ; or
- (d) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment so repealed ; or

(e) affect any investigation, legal proceedings, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid,

and any such investigation, legal proceedings, or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture, or punishment may be imposed, as if the repealing Law had not been passed.

Effect of repeal of Law on public instrument and appointments.

11. Whenever any Law has already been or shall hereafter be repealed and other provisions are substituted by the repealing Law all public instruments, forms and appointments made or issued under the repealed Law, and in force at the time of such repeal, shall, until revoked or replaced, continue good and valid in so far as they are not inconsistent with the substituted provisions.

Construction of amending Law or regulations, etc., with amended Law or regulations.

12. (1) Where one Law amends another Law, the amending Law shall, so far as is consistent with the tenor thereof, and unless the contrary intention appears, be construed as one with the amended Law.

(2) Where regulations, rules or bye-laws amend other regulations, rules or bye-laws, the amending regulations, rules and bye-laws shall, so far as is consistent with the tenor thereof, and unless the contrary intention appears, be construed as one with the amended regulations, rules and bye-laws.

Provision with respect to amended Law.

13. Whenever in any Law a reference is made to another Law, such reference shall, unless the context otherwise requires, be deemed to include a reference to such last mentioned Law as the same may from time to time be amended, or to any Law substituted therefor.

Definitions in Law to apply subject to context and to public instruments made thereunder.

14. (1) Where terms are defined in any Law, such terms shall in the Law in which they are defined, have the meanings assigned to them by that Law, unless there is anything in the subject or context repugnant to or inconsistent with such construction.

(2) Where terms defined in any Law are used in any public instrument made or issued under such Law, such terms shall have the respective meanings assigned to them by the Law, unless they are otherwise defined in such instrument or are inconsistent with the subject or context.

15. (1) When by this or any Law, whenever passed, any section or Schedule, or any word or words is, or are, directed to be inserted in, or omitted from, any previous Law, or any section or Schedule thereof, or to be substituted for, or deemed to be substituted for, or inserted, or deemed to be inserted, in lieu of any section or Schedule, or any word or words forming part, or the whole, of any section or Schedule of any previous Law, then, in all copies of the Law so amended and subsequently printed by authority, it shall be lawful for the Governor to order that the section or Schedule or word or words shall be inserted or omitted in accordance with such direction, and thereupon the amended Law shall be printed accordingly with all necessary consequential amendments of marginal notes, headings and divisions and with references in the margin to the section of the Law by which the amendment is made:

Power in Governor to direct amended Laws to be printed as amended.

Provided that no amendment shall, by force of such direction only, have any retrospective operation.

(2) Whenever the provisions of any Law which relate to the practice or procedure of any Court have been, or shall hereafter be, abrogated in pursuance of any rule-making power in that behalf by law conferred, then, in all copies of such Law printed by authority, it shall be lawful for the Governor to direct that the provisions so abrogated shall be omitted, and thereupon they shall be omitted and reference made in the margin to the rules whereby such abrogation was made.

(3) When any amended Law is reprinted under the provisions of this section, unless the Secretary of State shall otherwise order, the original number of the Law so reprinted shall be retained, and if any section, subsection or Schedule or division of a Schedule has been repealed, the remaining sections, subsections, Schedule or divisions of Schedules shall not be renumbered, and the fact that any section, subsection, Schedule or division of Schedule has been repealed, shall be stated, and reference made in the marginal notes to the Law by which such repeal is effected.

16. Every Law shall be numbered, dated and cited as of the year in which it is passed:

Provided that, where the assent to a Law is not or cannot be obtained in the year in which the same is passed, and such Law contains in its title or short title, if any, the date of such year, such Law shall be numbered, dated and cited as of the year in which the assent shall be given, and shall

Assent not given in same year as Law is passed.

be so read and construed, and in every copy or edition of the said Law the said title and short title shall be printed accordingly.

Imperial Acts to be read with necessary modifications.

17. Whenever any Act of Parliament is extended or applied to the Colony, such Act shall be read with such formal alterations as to names, localities, Courts, offices, persons, moneys, penalties, and otherwise as may be necessary to make the same applicable to the circumstances.

Appointment of officers by name or office.

18. Where by or under any Law, the Governor or any public authority is empowered to appoint or name a person to have and exercise any powers or perform any duties, the Governor or such public authority may either appoint a person by name or direct the person for the time being holding the office designated by the Governor or by such public authority to have and exercise such powers and perform such duties ; and thereupon or from the date specified by the Governor or by such public authority the person appointed by name or the person for the time being holding the office aforesaid shall have and may exercise such powers and perform such duties accordingly.

Power to appoint includes power to remove, etc.

19. Where any Law confers upon any person or public authority power to make appointments to any office or place the power shall be construed as including the power to determine any such appointment and to suspend any person appointed, and to re-appoint or reinstate him, and to appoint another person temporarily in the place of any person so suspended, and to appoint another person to fill any vacancy in the office or place arising from any other cause :

Provided that where the power of the person or public authority to make any such appointment is only exercisable upon the recommendation or subject to the approval, consent or concurrence of some other person or authority the power of determination or suspension shall, unless the contrary intention appears, only be exercisable upon the recommendation or subject to the approval, consent or concurrence of that other person or authority.

Powers of Governor where public officer is unable to perform functions of office.
2 of 19/56.

20. Where the Governor is satisfied that the holder of any public office is unable for any cause to perform the functions of that office, it shall be lawful for the Governor either to appoint another person to that office or to direct that the said functions shall be performed by a person

named by him or by the person for the time being holding, or lawfully performing the functions of, some other public office ; and all the functions of the first mentioned office shall accordingly vest (subject to any conditions, exceptions or qualifications which the Governor may prescribe) in such person until his appointment or the direction, as the case may be, is terminated by the Governor.

21. Notwithstanding anything in any other Law contained, when the substantive holder of any office constituted by or under any Law, in force for the time being, is on leave of absence pending relinquishment of his office, it shall be lawful for another person to be appointed substantively to the same office.

Power to make appointment to any office the substantive holder of which is on leave pending its relinquishment.

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22. Where by any Law the Governor is empowered to exercise any powers or perform any duties, he may, unless by law expressly prohibited from so doing, depute any person by name or the person for the time being holding an office designated by him to exercise such powers or perform such duties on his behalf, subject to such conditions, exceptions and qualifications as the Governor may prescribe, and thereupon or from the date specified by the Governor the person so deputed shall have and exercise such powers and perform such duties subject as aforesaid :

Power of Governor to delegate authority.

Provided that nothing herein contained shall authorize the Governor to depute any person to make rules, regulations or orders under the power in that behalf conferred upon him by any Law.

23. Where by any Law the Governor or any public officer is empowered to delegate the exercise of any of the powers or the performance of any of the duties vested in him under such Law, no delegation made thereunder shall, unless the contrary intention appears, preclude the Governor or public officer, as the case may be, from exercising or performing in person at any time any of the powers or duties so delegated.

Delegation not to preclude exercise of powers by officer delegating same.

24. Where any Law confers upon the Governor in Council power to make any public instrument or appointment, give any directions, issue any Order, authorize any thing or matter to be done, grant any exemption, remit any fee or penalty or exercise any other power, it shall be sufficient if the exercise of such power by the Governor in

Signification of Orders, etc., of the Governor in Council.

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Council be signified under the hand of the Clerk of the Executive Council.

Significa-
tion of
orders, etc.,
of the
Governor.
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614.

25. Where any Law confers upon the Governor power to make any public instrument or appointment, give any directions, issue any order, authorize any thing or matter to be done, grant any exemption, remit any fee or penalty or exercise any other power, it shall be sufficient if the exercise of such power by the Governor be signified under the hand of the Administrative Secretary, the Attorney-General or the Financial Secretary:

Provided that any warrant, proclamation, or other instrument under the public seal of the Colony shall be signed by the Governor in person.

Construc-
tion of
provisions
as to
exercise of
powers
and duties.

26. (1) Where any Law 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.

(2) Where any Law confers a power or imposes a duty on the holder of an office as such, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed by the holder of the office for the time being or by a person duly appointed to act for him.

(3) Where any Law confers a power or imposes a duty on the holder of an office as such, then, unless the contrary intention appears, the holder of such office, if he has occasion to be temporarily absent therefrom, may, by instrument in writing appoint the Deputy or Assistant of such office to exercise such powers and perform such duties and during the period of such temporary absence, as may be specified in such instrument.

Exercise of
statutory
power
between
passing and
commence-
ment of
Law.

27. Where any Law which is not to come into operation immediately on the passing thereof, confers power to make any appointment or to make or issue any public instrument or to give notice, or to do any other thing for the purposes of the Law, such power may, unless the contrary intention appears, be exercised at any time after the passing of the Law so far as may be necessary or expedient for the purpose of bringing the Law into operation at the date of the commencement thereof subject to the restriction that any appointment, public instrument, notice or thing, made, issued, given or done, under such power shall not, unless the contrary intention appears in the Law, or the appoint-

ment, public instrument, notice, or thing is necessary for bringing the Law into operation, have any effect until the Law comes into operation.

28. When power is given to the Governor or to the Governor in Council to make, issue or approve any public instrument, it shall include the power of amending, revoking or suspending such public instrument or withdrawing approval thereof and of declaring the date of its coming into force and the period of its operation and also of substituting another therefor.

Extent of power to make public instrument.

29. Where any Law confers power on any authority to make any appointment or to make or issue any public instrument, the following provisions shall, unless the contrary intention appears, have effect with reference to the making, issue and operation of such instrument—

General provision with respect to power given to any authority to make appointments and public instruments.

- (a) the instrument may be at any time amended, varied, rescinded, or revoked by the same authority and in the same manner by and in which it was made ;
- (b) there may be provided for the breach of any Order in Council, order, rules, regulations or bye-laws such penalty not exceeding ten pounds, as the authority making the Order in Council, order, rules, regulations or bye-laws may think fit ;
- (c) where any Law confers power on any authority to make any Order in Council, order, rules, regulations or bye-laws for any general purposes, and also for any special purposes incidental thereto, the enumeration of the special purposes shall not be deemed to derogate from the generality of the powers conferred with reference to the general purpose ;
- (d) no Order in Council, order, rules, regulations or bye-laws shall be inconsistent with the provisions of any Law.

30. An act shall be deemed to be done under a Law or the authority thereof, or by virtue or in pursuance or execution of the powers conferred thereby if it is done under or by virtue of or in pursuance of any public instrument made or issued under any power contained in such Law.

Acts done under public instrument to be deemed done under Law by which public instrument authorized.

Compu-
tation
of time.

31. In computing time for the purposes of any Law or public instrument unless the contrary intention appears—

- (a) a period of days from the happening of any event or the doing of any act or thing shall be 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 shall include 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 shall 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 six days, excluded days shall not be reckoned in the computation of the time.

Time.

32. Whenever any expression of time occurs in any Law or public instrument, the time referred to shall, unless it is otherwise expressly provided, be held to signify the standard time adopted for the Colony.

Provisions
when no
time pre-
scribed.

33. Where no time is prescribed or allowed within which anything shall be done, such thing shall be done with all convenient speed, and as often as the prescribed occasion arises.

Measure-
ment
of distances.

34. In the measurement of any distance for the purposes of any Law, or public instrument that distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane.

Power of
majority of
more than
two persons.

35. Save as is otherwise expressly provided by any Law, whenever any act or thing is required to be done by more than two persons, a majority of them may do it.

Deviations
from forms.

36. Save as is otherwise expressly provided, whenever forms are prescribed, slight deviations therefrom, or necessary alterations thereto not affecting the substance or calculated to mislead, shall not vitiate them.

37. Where an act or omission constitutes an offence under two or more Laws, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of those Laws, but shall not be liable to be punished twice for the same offence.

Provisions as to offences under two or more Laws.

38. (1) Where under any Law any money or any animal or any thing is adjudged by any Court or other authority to be forfeited or is forfeited under any Law, it shall, unless it is otherwise provided or unless it is expressed by law to be forfeited to any person, be forfeited to the Crown, and the money or the net proceeds of the animal or thing, if it is ordered by competent authority to be sold, shall be paid into the Department of the Accountant-General and shall form part of the revenue of the Colony, unless other provision is made.

Disposal and application of forfeits.

(2) Nothing in this section shall affect any provision in any Law whereby any portion of any 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.

39. (1) Where by or under any Law or public instrument any person is required to pay any charge or fee for any act or thing done, or proceeding taken or document issued, or signature or seal affixed to any document, by any public officer or Department, or where any person is adjudged by any Court to pay any fine, such charge or fee and such fine shall be paid into the Department of the Accountant-General and form part of the revenue of the Colony unless otherwise provided ; and if any such charge, fee or fine or if any commission on money received or taken possession of, realized, or otherwise dealt with, is required to be paid to any public officer or Department, such officer or Department receiving the same shall pay it into or account for the same in due course to the Department of the Accountant-General.

Application of charges, fees and fines.

(2) Nothing in this section shall affect any provision in any Law whereby any portion of any charge, fee or fine is expressed to be recoverable by any person or may be granted by any authority to any person.

40. Whenever in any Law or public instrument a penalty is prescribed for an offence against such Law or public instrument, the same shall indicate that such offence shall be punishable, upon conviction, by a penalty not exceeding

Penalties prescribed to be maximum penalties.

(except as may be otherwise provided in the Law or public instrument) the penalty prescribed.

Statement
of penalty at
foot of
section.

41. Whenever in any Law or public instrument a penalty is set out at the foot or end of any section the same shall indicate that any contravention of the section, rule, regulation or bye-law, as the case may be, whether by act or omission shall be an offence against that Law or public instrument and shall, unless the contrary intention appears, be punishable by a penalty not exceeding the penalty stated.

Schedule to
form part
of Law.

42. Every Schedule to any Law shall, together with any note thereto, be construed and have effect as part of the Law.

Copies of
Laws, etc.,
when to be
prima facie
evidence.
4 of 30/53.

43. The production of a copy of any Law, public instrument, public notice, Order of Her Majesty in Council, Charter, Commission, Royal Warrant, Treaty, Letters Patent and appointment—

(a) contained in any printed collection of Laws purporting to be printed and published by authority;
or

(b) contained in any issue of the Gazette; or

(c) purporting to be printed by the Government Printer, shall be *prima facie* evidence, in all Courts and for all purposes whatsoever, for the due making or issuing and tenor thereof.

Rights of
the Crown.

44. No Law or public instrument shall in any manner whatsoever affect the rights of the Crown unless it is therein expressly provided or unless it appears by necessary implication that the Crown is bound thereby.