SINGAPORE

1957 No. 2166

The Christmas Island Order in Council, 1957

Made - - - -	*13th December*, 1957
Laid before Parliament	*19th December*, 1957
Coming into Operation	*On a day to be appointed by the Governor of Singapore under Section* 1 (2)*

At the Court at Buckingham Palace, the 13th day of December, 1957

Present,

The Queen's Most Excellent Majesty in Council

Whereas it is expedient that Christmas Island should be governed and administered as a separate Colony;

Now, therefore, Her Majesty, by virtue and in exercise of the powers conferred upon Her by the Straits Settlements (Repeal) Act, 1946(a), the British Settlements Acts, 1887 and 1945(b), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and commencement

1.—(1) This Order may be cited as the Christmas Island Order in Council, 1957.

(2) This Order shall come into operation on a day to be appointed by the Governor of Singapore by Proclamation published in the Official Gazette of the Colony of Singapore, which day shall not be earlier than the day after the day on which this Order shall have been laid before both Houses of Parliament.

Interpretation

2.—(1) In this Order, unless the context otherwise requires:—

"Administrator" means the Administrator of Christmas Island appointed under the provisions of section 4 of this Order and includes any person appointed to act as such Administrator;

"appointed day" means the day appointed in pursuance of subsection (2) of section 1 of this Order for the coming into operation of this Order;

"Christmas Island" means the island named Christmas Island, situated in the Indian Ocean in or about the 30th minute of the 10th degree of South latitude and the 40th minute of the 105th degree of East longitude;

"the Island" means Christmas Island;

"the laws of Singapore" means the Ordinances of the Colony of Singapore and any orders in council, proclamations, rules, regulations, orders, notifications, by-laws or other instruments having legislative effect made or in force under any such Ordinance.

(2) The Interpretation Act, 1889(c), shall apply for the purposes of interpreting this Order as it applies for the purposes of interpreting an Act of Parliament.

*1.1.58. (a) 9 & 10 Geo. 6. c. 37. (b) 50 & 51 Vict. c. 54 and 9 & 10 Geo. 6. c. 7. (c) 52 & 53 Vict. c. 63.

Christmas Island to form a separate colony

3.—(1) As from the appointed day, Christmas Island shall cease to form part of the Colony of Singapore and shall thereupon be governed and administered as a separate colony under the name of the Colony of Christmas Island.

(2) As from the appointed day, the Singapore Colony Orders in Council, 1955 and 1956(a), shall, subject to the other provisions of this Order, be read and construed as if reference to Christmas Island therein were omitted.

(3) The amendments to the laws of Singapore specified in the First Schedule hereto shall take effect in the Colony of Singapore on the appointed day.

Appointment and powers of Administrator

4.—(1) There shall be an Administrator for the Island who is hereby empowered to govern and administer the Island on behalf of Her Majesty and to do all things belonging to the office of Administrator in accordance with such Instructions as may from time to time be given by Her Majesty under Her Sign Manual and Signet or through a Secretary of State and such Orders in Council and other laws as may from time to time be in force in the Island.

(2) The Administrator shall be appointed by a Secretary of State and shall hold office during Her Majesty's pleasure.

Public Seal

5. The Administrator shall keep and use the Public Seal of the Island for sealing all things that shall pass the said Seal. Until a Public Seal shall be provided for the Island, an official stamp bearing the inscription "The Colony of Christmas Island—Public Seal" may be used as the Public Seal.

Appointment of officers

6. The Administrator may constitute and appoint all such magistrates and officers as may be lawfully constituted or appointed by or under the authority of Her Majesty or of any law for the time being in force, all of whom, unless otherwise provided by law, shall hold their offices during Her Majesty's pleasure.

Disciplinary powers

7. The Administrator may, subject to the provisions of any law for the time being in force and to such Instructions as may from time to time be given him by Her Majesty or through a Secretary of State, for cause shown to his satisfaction, dismiss, or suspend from the exercise of his office any person holding any public office under the Crown in the Island or, subject as aforesaid, may take such other disciplinary action as may seem to him desirable.

Laws in force in the Island on the appointed day

8.—(1) All Acts of the United Kingdom Parliament, Orders in Council and all rules, regulations, orders or other instruments having legislative effect made or issued thereunder which extend to Christmas Island as part of the Colony of Singapore immediately prior to the appointed day shall, on and after the appointed day, remain valid as laws of the Island as a separate colony in so far as the same are not inconsistent with the provisions of this Order.

(a) S.I. 1955/187, 1956/233 (1955 II, p. 2438; 1956 II, p. 2226).

(2) The laws of Singapore specified in the Second Schedule hereto shall remain in force on and after the appointed day as laws of the separate Colony of Christmas Island, subject to such exceptions, modifications or amendments as are specified in the Third Schedule hereto or elsewhere in this Order or in any law made in pursuance of this Order.

(3) Notwithstanding the other provisions of this Order, the Central Provident Fund Ordinance of the Colony of Singapore(a) as amended by the Central Provident Fund (Amendment) Ordinance, 1955(b), shall continue, until other provision is made, to apply in and in relation to the Island on and after the appointed day as if this Order had not been made and the Colony of Christmas Island shall for the purpose of the said Ordinances be deemed to be a part of the Colony of Singapore.

(4) Save as in this Order provided, the laws of Singapore which immediately prior to the appointed day are in force in Christmas Island by virtue of the Christmas Island Ordinance(c) or otherwise shall on the appointed day cease to be laws in force in Christmas Island.

(5) Save as in this Order provided, nothing shall affect the operation in the Island of any law in force therein immediately prior to the appointed day.

Power of Administrator to make laws

9.—(1) Subject to the provisions of subsection (8) of section 12 of this Order, the Administrator may make Regulations for the peace, order and good government of the Island. Without prejudice to the generality of the foregoing, the Administrator may, by Regulation, amend, modify or repeal any of the laws of Singapore which, under the other provisions of this Order, remains part of the law of Christmas Island as a separate colony on the appointed day.

(2) All Regulations shall be published in the Official Gazette of the Island.

(3) Any such Regulations may be disallowed by Her Majesty through a Secretary of State.

(4) Wherever any such Regulation has been disallowed by Her Majesty, the Administrator shall cause notice of such disallowance to be published in the manner prescribed in subsection (2) of this section for the publication of Regulations.

(5) Every Regulation so disallowed shall cease to have effect as soon as notice of such disallowance shall be published as aforesaid; and thereupon any enactment repealed or amended by or in pursuance of the Regulation disallowed shall have effect as if such Regulation had not been made. Subject as aforesaid, the provisions of subsection (2) of section 38 of the Interpretation Act, 1889, shall apply to such disallowance as they apply to the repeal of an Act of Parliament.

Power to give effect to this Order

10.—(1) The Administrator may, by notice published in the Official Gazette of the Island, at any time within twelve months after the date on which this Order comes into operation, make such provision as appears to him necessary or expedient for the purpose of bringing existing instruments into accord with the provisions of this Order or otherwise for giving effect or enabling effect to be given, to those

(a) Laws of Singapore (Rev. Ed. 1955), Cap. 150. (b) Ord. 15 of 1955.
(c) Laws of Singapore (Rev. Ed. 1955), Cap. 48.

provisions and in particular and without prejudice to the generality of the foregoing power the Administrator may by any such notice—

(i) modify, add to, suspend or adapt any provisions in existing instruments which refer in whatever terms to the Legislative Assembly, the Governor in Council or the Council of Ministers;

(ii) provide for the transfer of the functions, powers and duties conferred or imposed by existing instruments upon any person, body or authority to himself or such other person, body or authority as may be specified in such notice.

(2) A notice issued and published under this section shall have the force of law and shall take effect on the date specified therein.

(3) Any notice under this section may be given retrospective effect to a date not earlier than the date on which this Order comes into operation.

(4) In this section, "existing instruments" means ordinances, rules, regulations, by-laws, proclamations, orders, notifications, licences, permits and other instruments having the force of law in the Island at the date of the publication of the notice by which they are affected.

Officers of the Singapore Government to continue to exercise certain functions in the Island

11. Where immediately prior to the appointed day an officer of the Government of the Colony of Singapore has under any law in force any powers, rights or duties within the Island and such law remains in force whether in the same or amended or modified form on and after the appointed day, such officer may at the request of the Administrator and with the consent of the Government of Singapore continue to have and exercise within the Island his powers, rights and duties under the law as if he were an officer of the colony of Christmas Island.

Courts

12.—(1) Until other provision is made, the Supreme Court of the Colony of Singapore (hereinafter referred to as "the Supreme Court") shall, subject to any law for the time being in force in the Island, continue to have and to exercise the same original and appellate jurisdiction, powers and authority in and over all courts and matters as it had and exercised immediately prior to the appointed day.

(2) The Supreme Court in exercising its jurisdiction, powers or authority in the manner prescribed in subsection (1) of this section may sit either in the Island or in the Colony of Singapore; when sitting in original jurisdiction in the Island, the Court shall sit without a jury.

(3) Until other provision is made, there shall be the same right to appeal to or petition Her Majesty in Council or to appeal to the Court of Criminal Appeal of Singapore in relation to any proceedings in the Supreme Court by virtue of the jurisdiction of the said Court in and over the Island under this section as there is in relation to any proceedings in and from the Island in that Court or the said Court of Criminal Appeal immediately prior to the appointed day.

(4) There shall be a court to be known as the District Court of Christmas Island which shall be subordinate to the Supreme Court and which, subject to any law for the time being in force in the Island, shall exercise such jurisdiction, powers and authority in civil and criminal matters within the Island as are vested in a District Court in the Colony of Singapore immediately prior to the appointed day. In addition, such court shall have jurisdiction in the civil actions enumerated in

paragraphs (*a*) to (*k*) inclusive of section 67 of the Courts Ordinance of Singapore(a). The Administrator, whether or not he be a "qualified person" within the meaning of the Advocates and Solicitors Ordinance of Singapore(b), shall be *ex officio* the District Judge in and for the Island.

(5) There shall be a Court to be known as the Magistrate's Court of Christmas Island, which shall be subordinate to the Supreme Court. The Administrator shall be *ex officio* a Magistrate in and for the Island. The Administrator shall, in addition, be *ex officio* a Coroner and a Justice of the Peace in and for the Island.

(6) The Magistrate's Court of Christmas Island and every Magistrate, Coroner and Justice of the Peace in and for the Island shall, subject to any law for the time being in force in the Island, exercise such jurisdiction, powers and authority within the Island as are vested in a Magistrate's Court, Magistrate, Coroner or Justice of the Peace, as the case may be, of the Colony of Singapore immediately prior to the appointed day.

(7) Any criminal or civil proceedings including appeals pending on the appointed day before any court having jurisdiction in or over the Island shall be carried on and concluded as if this Order had not been made.

(8) Under the powers conferred by section 9 of this Order, the Administrator shall not make any Regulations affecting the substance of the constitution, jurisdiction or powers of any court having jurisdiction in or over the Island except with the prior approval of a Secretary of State.

Powers of pardon and commutation

13.—(1) Where any offence has been committed for which the offender may be tried in any court having jurisdiction in respect of Christmas Island, the power to grant a pardon to any such offender or to any accomplice in such offence is reserved to Her Majesty.

(2) Whenever any offender shall have been condemned to suffer death by the sentence of a court having jurisdiction in respect of Christmas Island, the Judge who presided at the trial shall, as soon as may be after the conclusion thereof, submit a written report of the case of such offender to a Secretary of State who shall cause the matter to be laid before Her Majesty for Her consideration and no such sentence shall be carried into effect until Her Majesty's pleasure shall be communicated to the Administrator through a Secretary of State.

Transfer of certain persons to Singapore for imprisonment or other purposes

14. Where any person in the Island—

(*a*) is sentenced to death or imprisonment; or
(*b*) is ordered to be detained during Her Majesty's pleasure; or
(*c*) is required to appear in person in the Island of Singapore for the purpose of any judicial proceeding or process; or
(*d*) is found to be of unsound mind; or
(*e*) is suffering from leprosy,

the Administrator may, by warrant under his hand, authorise the removal of such person to the Island of Singapore there to be accom-

(a) Laws of Singapore (Rev. Ed. 1955), Cap. 3.
(b) Laws of Singapore (Rev. Ed. 1955), Cap. 188.

modated or dealt with under the law of the Colony of Singapore according to the tenor of the warrant and, if appropriate to the circumstances of the case, such warrant may require that such person shall be returned in due time to Christmas Island. Any person named in such warrant who is detained thereunder shall be deemed to be in lawful custody and any such warrant shall be sufficient authority for the master of any vessel or the captain of any aircraft to receive and detain such person on board such vessel or aircraft for the purpose of conveying him to his destination.

Modifications of the Christmas Island Lease

15.—(1) With effect from the appointed day, the following amendments shall have effect in the Christmas Island Lease:—

(*a*) the Administrator of the Colony of Christmas Island shall be substituted for the Governor of the Colony of Singapore (including Christmas Island) as the successor to the Governor of the Straits Settlements and Governor for the time being of Christmas Island;

(*b*) the annual rent reserved shall be one peppercorn per annum, if and when demanded;

(*c*) no royalties shall be payable under the Lease.

(2) All the rights to payments in commutation of royalties fixed by the said Lease and by way of contribution in lieu of taxation which, under the Agreement made on the 26th day of March, nineteen hundred and fifty-five, between the Governor of Singapore and the Governments of the Commonwealth of Australia and of New Zealand, are vested in the Government of Singapore are, in respect of any period after the appointed day, hereby transferred to and are vested in the Government of Christmas Island.

(3) Save as provided in this section, the Christmas Island Lease shall as from the appointed day remain in full force and effect.

(4) For the purposes of this section, the expression "the Christmas Island Lease" means the Indenture dated the 17th day of February, 1891, made between Her Majesty Queen Victoria of the first part, Sir Cecil Clementi Smith, Knight Commander of the Most Distinguished Order of St. Michael and St. George of the second part and George Clunies Ross and John Murray of the third part (hereinafter referred to as the "original lessees") whereby Christmas Island was demised unto the original lessees for a term of ninety-nine years from the 1st day of January, 1891, upon the terms and conditions therein contained as assigned, varied and modified by the following instruments, that is to say:—

(*a*) An Indenture of Assignment dated the 4th day of February, 1897, between the original lessees and the Christmas Island Phosphate Company Limited;

(*b*) An Agreement dated the 31st day of December, 1948, between the Christmas Island Phosphate Company Limited and the Governments of the Commonwealth of Australia and of New Zealand (hereinafter referred to as the "lessee governments");

(*c*) A Deed of Assignment, dated the 11th day of March, 1954, between the Christmas Island Phosphate Company Limited (then in voluntary liquidation) and the lessee governments;

(*d*) An Agreement, dated the 26th day of March, 1955, between the Governor of the Colony of Singapore and the lessee governments.

Removal of difficulties

16.—(1) If any difficulty shall arise in bringing into operation any of the provisions of this Order or in giving effect to the purposes thereof, a Secretary of State may, by Order, make such provision as seems to him necessary or expedient for the purpose of removing the difficulty and may, by such Order, amend or add to any provision of this Order:

Provided that no Order under this section shall be made after one year from the date of the coming into operation of this Order.

(2) Any Order under this section may be amended, added to or revoked by a further Order and may be given retrospective effect to a day not earlier than the appointed day.

Validity of previous acts

17. Subject to the express provisions of this Order, nothing in this Order shall affect the validity or future operation of any lawful act done by any person or authority before the appointed day in or in respect of the Island.

Power reserved to Her Majesty

18. Nothing in this Order shall affect the power of Her Majesty in Council to make laws from time to time for the peace, order and good government of Christmas Island.

Publication

19. This Order shall be published in the Official Gazette of the Colony of Singapore.

W. G. Agnew.

Section 3 (3)

FIRST SCHEDULE

1. The definition of "Colony" or "Colony of Singapore" appearing in subsection (1) of section 2 of the Interpretation and General Clauses Ordinance(a) is amended by the deletion therefrom of the words ", Christmas Island,".

2. Subsection (2) of section 56 of the Courts Ordinance is repealed.

3. The Christmas Island Ordinance is repealed.

4. The Adjacent Territories Prisoners Ordinance(b) is amended by—

(*a*) the substitution in the Long Title of the words "the Colonies of North Borneo, Sarawak and Christmas Island" for the words "the Colonies of North Borneo and Sarawak";

(*b*) the insertion of the words "and the Colony of Christmas Island" after the words "and the Colony of Sarawak" in the definition of "Adjacent Territory" in section 2; and

(*c*) the insertion of the words "or of the Administrator of Christmas Island" after the words "of the Colony of Sarawak" in subsection (2) of section 6.

5. Section 5 of the Post Office Savings Bank Ordinance(c) is amended by the insertion of the words "or Christmas Island" after the word "Colony".

6. The Leprosy Ordinance(d) is amended by—

(*a*) the insertion of the words "or of the Colony of Christmas Island" after the words "Federation of Malaya" in subsection (1) of section 12;

(a) Laws of Singapore (Rev. Ed. 1955), Cap. 2.
(b) Laws of Singapore (Rev. Ed. 1955), Cap. 91.
(c) Laws of Singapore (Rev. Ed. 1955), Cap. 106.
(d) Laws of Singapore (Rev. Ed. 1955), Cap. 144.

(*b*) the insertion of the words "from the Federation of Malaya" after the word "Ordinance" in subsection (2) of section 12;

(*c*) the insertion of the word "Colony," before the word "State" in the proviso to section 13, and

(*d*) the insertion of the words "a resident of Christmas Island or" after the word "not" in subsection (1) of section 22.

7. Subsection (1) of section 49 of the Mental Disorders and Treatment Ordinance(a) is amended by the insertion of the words "the Colony of Christmas Island" after the words "the Colony of North Borneo".

Section 8 (2)

SECOND SCHEDULE

The undermentioned Ordinances of the Colony of Singapore, as amended immediately prior to the appointed day, together with all subsidiary legislation in force thereunder, shall remain in force on and after the appointed day as laws of the separate Colony of Christmas Island, subject to such exceptions, modifications or amendments as are specified in the Third Schedule hereto or elsewhere in this Order or in any law made in pursuance of this Order.

Chapter in the Revised Edition, 1955, of the Laws of Singapore	Short Title of Ordinance
2	Interpretation and General Clauses.
4	Evidence.
6	Evidence (Special Provisions).
7	Limitation.
8	Oaths.
9	Statutory Declarations.
10	Arbitration.
13	Debtors.
14	Distress.
16	Guardianship of Infants.
17	Probate and Administration.
18	Reciprocal Enforcement of Judgments.
19	Reciprocal Enforcement of Maintenance Orders.
24	Civil Law.
25	Contributory Negligence and Personal Injuries.
28	Libel.
31	Presumption of Survivorship.
32	Public Trustee.
35	Wills.
36	Adoption of Children.
37	Christian Marriage.
38	Civil Marriage.
39	Deceased Wife's Sister's Marriage.
42	Legitimacy.
43	Marriage of British Subjects. (Facilities.)
44	Married Women and Children. (Maintenance.)
45	Married Women's Property.
46	Muslims.
47	Registration of Births and Deaths.
58	Promissory Oaths.
62	Coin.
65	Counterfeit Coin.
84	Official Secrets.
85	Protected Places.

(a) Laws of Singapore (Rev. Ed. 1955), Cap. 145.

Chapter in the Revised Edition, 1955, of the Laws of Singapore	Short Title of Ordinance
92	Criminal Prisoners Removal Expenses.
93	Deportation (British Subjects).
94	Extradition.
99	Prisons.
102	Immigration.
103	Passports.
105	Post Office.
108	Telegrams.
113	Betting.
114	Common Gaming Houses.
115	Firearms and Ammunition (Unlawful Possession).
117	Minor Offences.
119	Penal Code.
121	Prevention of Corruption.
123	Sedition.
124	Undesirable Publications.
126	Women and Girls Protection.
127	Banishment.
128	Children and Young Persons.
132	Criminal Procedure Code.
134	Preservation of the Peace.
135	Probation of Offenders.
136	Registration of Criminals.
137	Dangerous Drugs.
142	Indecent Advertisements.
144	Leprosy.
145	Mental Disorders and Treatment.
146	Poisons.
147	Quarantine and Prevention of Disease.
152	Protection of Workers.
153	Trade Disputes.
154	Trade Unions.
157	Workmen's Compensation.
160	Customs.
165	Fees.
167	Private Lotteries.
170	Stamp.
173	Carriage of Goods by Sea.
196	Printers and Publishers.
203	Registration of Schools.
207	Merchant Shipping.
210	Arms and Explosives.
212	Burials.
223	Machinery.
226	Printing Presses.
227	Road Traffic.
228	Societies.
230	Weights and Measures.
237	Prevention of Cruelty to Animals.
238	Wild Animals and Birds.
244	Crown Lands.
261	Registration of Imports and Exports.
262	Statistics.
263	Boy Scouts Association.
270	Holidays.

Number and year of Ordinance	Short Title of Ordinance
29 of 1955	Corrosive Substances Ordinance, 1955.
32 of 1955	Registration of Persons Ordinance, 1955.
40 of 1955	Labour Ordinance, 1955.
15 of 1956	War Damage (Winding Up) Ordinance, 1956.
13 of 1957	Shop Assistants Employment Ordinance, 1957.
14 of 1957	Clerks Employment Ordinance, 1957.

Section 8 (2)

THIRD SCHEDULE

Where, in any law of Singapore which remains in force on the appointed day as part of the law of the separate Colony of Christmas Island, any expression appearing in the first column hereunder is used, that expression shall be read and construed as the expression shewn opposite thereto in the second column hereunder, unless the context of such law in its application to Christmas Island or any provision of this Order otherwise requires:—

First Column	Second Column
"Governor"	"Administrator"
"Governor-in-Council"	"Administrator"
"Singapore" or "Colony of Singapore"	"Christmas Island"
"Chief Secretary"	"Administrator"
"Minister"	"Administrator"

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The purpose of this Order is to detach Christmas Island in the Indian Ocean from the Colony of Singapore of which Christmas Island has hitherto formed a part. The Order makes the necessary arrangements for the administration of Christmas Island as a separate colony.