LEEWARD ISLANDS

1956 No. 833

The Leeward Islands (Miscellaneous Provisions) Order in Council, 1956

Made - - - -	1*st June*, 1956
Coming into Operation	8*th June*, 1956

At the Court at Buckingham Palace, the 1st day of June, 1956

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers by the Leeward Islands Act, 1956(a), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

Citation and commencement

1. This Order may be cited as the Leeward Islands (Miscellaneous Provisions) Order in Council, 1956, and shall come into operation on the 8th day of June, 1956.

Interpretation

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

"the Act" means the Leeward Islands Act, 1956;

"the appointed day" means the day appointed by section 3 of this Order;

"the Governor" means the Governor and Commander-in-Chief of the Leeward Islands or other person discharging the functions of the office of Governor and Commander-in-Chief of the Leeward Islands;

"Presidencies" means the Presidencies referred to in section 1 of the Act, and "Presidency" means any one of those Presidencies.

(2) (*a*) Any power conferred on the Governor by this Order to make regulations or to do any other thing for the purpose of this Order may, unless a contrary intention appears, be exercised at any time after the commencement of this Order by the Governor of the Colony of the Leeward Islands:

Provided that no such regulation shall come into operation before the appointed day.

(a) 4 & 5 Eliz. 2. c. 23.

(*b*) In this subsection "the Governor of the Colony of the Leeward Islands" means the person for the time being holding the office of Governor and Commander-in-Chief of that Colony and includes any person for the time being lawfully discharging the functions of that office and, to the extent to which a Deputy for the Governor and Commander-in-Chief is authorised to discharge those functions, that Deputy.

(3) The Interpretation Act, 1889(a), shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

The appointed day

3. The first day of July, 1956, is hereby appointed for the purposes of section 1 of the Act.

Continuation and adaptation of laws other than locally enacted laws

4.—(1) All laws, not being laws to which section 5 of this Order applies, that are in force immediately before the appointed day in any Presidency shall remain valid after the beginning of the appointed day as respects that Presidency notwithstanding its constitution as a separate colony.

(2) A law that has effect in any Presidency after the beginning of the appointed day by virtue of subsection (1) of this section shall, in its application to that Presidency, be construed with such adaptations and modifications (if any) as are necessary to bring it into conformity with the provisions of the Act and this Order; and in particular, unless the context otherwise requires—

(*a*) any reference in the law to the Leeward Islands, the Colony of the Leeward Islands or the territory of the Leeward Islands shall be construed as a reference to that Presidency;

(*b*) any reference in the law to the Governor and Commander-in-Chief of the Colony of the Leeward Islands or other person administering the government of that Colony shall be construed as a reference to the Governor and Commander-in-Chief of the Leeward Islands or other person discharging the functions of the office of Governor and Commander-in-Chief of the Leeward Islands; and

(*c*) any reference in the law to the legislature of the Colony of the Leeward Islands shall be construed as a reference to the legislature of that Presidency.

Continuation and adaptation of locally enacted laws

5.—(1) The Governor may by regulation, in the case of each of the Presidencies—

(*a*) determine the laws, being laws to which this section applies other than the laws to which subsection (1) of section 2 of the Act applies, which, after the beginning of the appointed day, are to remain valid as respects that Presidency notwithstanding its constitution as a separate colony; and

(a) 52 & 53 Vict. c. 63.

(*b*) adapt or modify, to such extent as he thinks necessary or expedient in view of the constitution of that Presidency as a separate colony, any laws having effect therein after the beginning of the appointed day by virtue of an exercise of the power conferred by the foregoing paragraph or by virtue of subsection (1) of section 2 of the Act.

(2) The laws to which this section applies are any enactments of any legislature in the Leeward Islands enacted before the appointed day and any instruments made before the appointed day by virtue of any such enactment.

Transfer of assets of the Colony of the Leeward Islands

6.—(1) Any property that immediately before the appointed day is vested in Her Majesty for the purposes of the Government of the Colony of the Leeward Islands or is vested in the Government of the Colony of the Leeward Islands or in some other person or authority on behalf of that Government shall on the appointed day vest either in Her Majesty for the purposes of the Government of Antigua or in the Government of Antigua or in some other person or authority on behalf of that Government in accordance with such regulations as the Governor may make in that behalf.

(2) Where any property vests on the appointed day by virtue of subsection (1) of this section in Her Majesty for the purposes of the Government of Antigua or in that Government or in some other person or authority on behalf of that Government, there shall, on such date or dates after the appointed day as may with the approval of a Secretary of State be fixed by the Governor, be transferred either to Her Majesty for the purposes of the Government of each of the other colonies constituted by the Act or to the Government of each such colony or to some other person or authority on behalf of such Government, in accordance with such regulations as the Governor may make in that behalf, such proportion of that property or such sum of money in lieu thereof or of any part thereof as shall in each case be fixed by the Governor with the approval of a Secretary of State.

(3) The Governor may make regulations generally for giving effect to the provisions of this section.

Transfer of contracts and liabilities of the Colony of the Leeward Islands

7.—(1) Any contract made or liability incurred before the appointed day by or on behalf of the Government of the Colony of the Leeward Islands shall have effect after the beginning of the appointed day as as if it had been made or incurred by or on behalf of the Government of Antigua.

(2) Claims in respect of contracts or liabilities having effect, by virtue of this section, as if made or incurred by or on behalf of the Government of Antigua which, if the Act had not been passed and this Order had not been made, could have been enforced by or against Her Majesty in Her Government of the Colony of the Leeward Islands or by or against any officer of that Government in his official capacity or by or against any department of that Government may, after the beginning of the appointed day, be enforced in such manner as may

be prescribed by the law of Antigua by or against Her Majesty in Her Government of Antigua or by or against the appropriate officer or department of that Government, as the case may be.

(3) The Governor may make regulations for determining in case of doubt the officer or department by or against whom claims may be enforced under subsection (2) of this section and generally for giving effect to the provisions thereof.

Apportionment of liabilities of the Colony of the Leeward Islands

8. Where the Government of Antigua incurs expenditure in meeting any liability which, under section 7 of this Order, has effect as if incurred by or on behalf of that Government, it shall be reimbursed therefor by the Governments of the other colonies constituted by the Act to such extent, in such proportions among themselves, in such manner and within such period as the Governor may with the approval of a Secretary of State direct.

Saving for past acts

9. Save as otherwise provided by or under this Order, nothing in this Order shall affect the validity or future operation of anything done by any person or authority in the Leeward Islands before the appointed day.

Continuation of proceedings

10. All proceedings commenced before the appointed day in any Court of Justice in or having jurisdiction in the Leeward Islands may be carried on in like manner, as nearly as may be, as if this Order had not been made and any such proceeding may be amended in such manner as may appear necessary and proper in order to bring it into conformity with the provisions of this Order and of the Act.

W. G. Agnew.

EXPLANATORY NOTE

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

This Order appoints 1st July, 1956, as the date on which the Presidencies of the Leeward Islands become separate colonies, and provides for the continuation in force thereafter of certain laws and for the modification and adaptation thereof. The Order also makes provision for the transfer of the assets and liabilities of the Colony of the Leeward Islands, and for certain other matters consequent upon the constitution of the four new colonies.