



FALKLAND ISLANDS GAZETTE

Supplement

PUBLISHED BY AUTHORITY

Vol. 34

31 January 2023

No. 1

The following is published in this Supplement —

Interpretation and General Clauses (Amendment) Bill 2023.

Interpretation and General Clauses (Amendment) Bill 2023

(ORDINANCE No. OF 2023)

ARRANGEMENT OF PROVISIONS

Clause

1. Title and commencement
2. Amendment of Interpretation and General Clauses Ordinance 1977
3. Section 4 amended (interpretation of words and expressions)
4. Section 72 amended (public holidays and non-business days)
5. New section 72A
6. Section 73 amended (power to suspend financial dealings)

Interpretation and General Clauses (Amendment) Bill 2023

(assented to: 2023)
(commencement: on publication)
(published: 2023)

A BILL

for

AN ORDINANCE

To amend the Interpretation and General Clauses Ordinance 1977 to appoint public holidays; and to provide for connected matters.

BE IT ENACTED by the Legislature of the Falkland Islands —

1. Title and commencement

- (1) This Ordinance is the Interpretation and General Clauses (Amendment) Ordinance 2023.
- (2) This Ordinance comes into force on publication in the *Gazette*.

2. Amendment of Interpretation and General Clauses Ordinance 1977

This Ordinance amends the Interpretation and General Clauses Ordinance 1977.

3. Section 4 amended (interpretation of words and expressions)

In section 4, replace the definitions of “non-business day” and “public holiday” with —

““**non-business day**” means —

- (a) every Saturday and Sunday;
- (b) a day that is a public holiday under section 72(1) or is a public holiday by the operation of section 72(2);
- (c) a day appointed to be a public holiday under section 72(3); and
- (d) a day appointed in exercise of the Royal Prerogative to be a day of public fast or thanksgiving;”;

““**public holiday**” means a day that is a public holiday under section 72;”.

4. Section 72 amended (public holidays and non-business days)

In section 72 —

- (a) replace the section heading with “**Public holidays**”

(b) replace subsections (1) and (2) with —

“(1) Good Friday, the first Monday in October and 1 January, 14 June, 14 November, 8 December, 25 December, 26 December and 27 December are public holidays, unless subsection (2) applies.

(2) Where in any year —

- (a) 1 January, 14 June, 14 November, 8 December or 25 December falls on a Saturday or Sunday, the next following Monday is a public holiday;
- (b) 26 or 27 December falls on a Saturday or a Sunday, or a Monday which is a public holiday by operation of paragraph (a), the next following day (or days, as the case may be) that are not a Sunday, or a Monday which is a public holiday by operation of paragraph (a), are public holidays.”;

(c) replace subsection (4) with —

“(4) The Governor may by Order —

- (a) amend subsection (1) to add or remove a public holiday; and
- (b) make consequential amendments to subsection (2) where a public holiday is added or removed from subsection (1).”.

5. New section 72A

After section 72, add —

“72A. Effect of public holidays and other non-business days

Except to the extent provided by a written law of the Falkland Islands, it is not unlawful for any person to transact any business or do any other thing on a public holiday or other non-business day.”

6. Section 73 amended (power to suspend financial dealings)

Delete section 73(4).

OBJECTS AND REASONS

This Bill amends the Interpretation and General Clauses Ordinance 1977 (“the Ordinance”) in order to appoint His Majesty the King’s birthday, (14 November) and 27 December as public holidays. 21 April, which was Her Majesty’s birthday, is removed from section 72. The definitions of “non-business day” and “public holiday” are replaced.

Clauses 1 and 2 are preliminary provisions. The amendments effected by this Bill will commence when the Amendment Ordinance is published in the *Gazette*.

Clause 3 amends section 4 of the Ordinance by replacing the definitions of “non-business day” and “public holiday”. The definitions are simplified and cross referencing in the definition of “non-business day” is corrected.

Clause 4 amends section 72 by replacing subsections (1), (2) and (4). Section 72(1) contains a full list of days that are public holidays. The new list excludes 21 April which was Her Majesty's birthday and includes 14 November, His Majesty the King's birthday, and 27 December. Traditionally 27 December has been treated as a public holiday in the Falkland Islands, but has not consistently been appointed as such in law. The inclusion of 27 December as a public holiday in section 72 will regularise this position.

Under section paragraph (a) of section 72(2), where any of the public holidays falls on a Saturday or Sunday, the following day which is not a public holiday is a public holiday in lieu. Further, where a public holiday falls on a day that is a public holiday by operation of that paragraph, again the next following day which is not already a public holiday is a public holiday. For example, if 25 and 26 December fall on a Saturday and Sunday then 27 and 28 December are public holidays in lieu; and 29 December is also a public holiday in lieu of 27 December (section 72(2)(b)).

Subsection (4) is replaced to allow the Governor to make amendments to section 72(1) and (2) by Order. The Governor may add or remove a public holiday from section 72(1) and make consequential amendments to section 72(2) in that eventuality. This will avoid having to amend the Ordinance each time a public holiday is added or removed.

A new section 72A is added by *clause 5* to more clearly state the effect of public holidays and non-business days (the provision was previously contained in section 72(4)).

Clause 6 amends section 73. The amendment removes ambiguity which arises from a reference in section 73(4) to "non-business day". A day which is the subject of an order under section 73 does not come within the definition of "non-business day". Consequently the cross reference in section 72A to section 73 has also been removed.