

ACTS VALIDATION.

28 & 29 Vict.,
c. 63.

28 and 29 Vict., c. 63.

Colonial Laws Validity.

AN ACT to remove Doubts as to the Validity of Colonial Laws.

[29th June, 1865.]

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Definitions:
"Colony."

1. The term "colony" shall in this Act include all of Her Majesty's possessions abroad in which there shall exist a Legislature, as hereinafter defined, except the Channel Islands, the Isle of Man, and such territories as may for the time being be vested in Her Majesty under or by virtue of any Act of Parliament for the government of India.

The terms "Legislature" and "Colonial Legislature" shall severally signify the authority, other than the Imperial Parliament or Her Majesty in Council, competent to make laws for any colony.

28 & 29 Vict.,
c. 63.
"Legislature."
"Colonial
Legislature."
"Representa-
tive Legisla-
ture."

The term "Representative Legislature" shall signify any Colonial Legislature which shall comprise a legislative body of which one-half are elected by the inhabitants of the colony.

The term "colonial law" shall include laws made for any colony either in such Legislature as aforesaid or by Her Majesty in Council.

"Colonial
law."
Act of Parli-
ment, &c., to
extend to
colony when
made appli-
cable to such
colony.

An Act of Parliament, or any provision thereof, shall, in construing this Act, be said to extend to any colony when it is made applicable to such colony by the express words or necessary intendment of any Act of Parliament.

The term "Governor" shall mean the officer lawfully administering the government of any colony.

"Governor."

The term "Letters Patent" shall mean Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland.

"Letters
Patent."

2. Any colonial law which is or shall be in any respect repugnant to the provisions of any Act of Parliament extending to the colony to which such law may relate, or repugnant to any order or regulation made under authority of such Act of Parliament, or having in the colony the force and effect of such Act, shall be read subject to such Act, order, or regulation, and shall, to the extent of such repugnancy, but not otherwise, be and remain absolutely void and inoperative.

Colonial law,
when void for
repugnancy.

3. No colonial law shall be or be deemed to have been void or inoperative on the ground of repugnancy to the law of England, unless the same shall be repugnant to the provisions of some such Act of Parliament, order, or regulation as aforesaid.

Colonial law,
when not void
for repug-
nancy.

4. No colonial law, passed with the concurrence of or assented to by the Governor of any colony, or to be hereafter so passed or assented to, shall be or be deemed to have been void or inoperative by reason only of any instructions with reference to such law or the subject thereof which may have been given to such Governor by or on behalf of Her Majesty, by any instrument other than the Letters Patent or instrument authorizing such Governor to concur in passing or to assent to laws for the peace, order, and good government of such colony, even though such instructions may be referred to in such Letters Patent or last-mentioned instrument.

Colonial law
not void for
inconsistency
with instruc-
tions.

5. Every Colonial Legislature shall have, and be deemed at all times to have had, full power within its jurisdiction to establish Courts of Judicature, and to abolish and reconstitute the

Colonial Legis-
lature may
establish, &c.,
Courts of law.

28 & 29 Vict., same, and to alter the constitution thereof, and to make provision
c. 63. for the administration of justice therein ;

Representa-
tive Legisla-
ture may alter
Constitution.

And every Representative Legislature shall, in respect to the colony under its jurisdiction, have, and be deemed at all times to have had, full power to make laws respecting the constitution, powers, and procedure of such Legislature :

Provided that such laws shall have been passed in such manner and form as may from time to time be required by any Act of Parliament, Letters Patent, Order in Council, or colonial law for the time being in force in the said colony.

6. The certificate of the Clerk or other proper officer of a legislative body in any colony to the effect that the document to which it is attached is a true copy of any colonial law assented to by the Governor of such colony, or of any Bill reserved for the signification of Her Majesty's pleasure by the said Governor, shall be *primâ facie* evidence that the document so certified is a true copy of such law or Bill, and, as the case may be, that such law has been duly and properly passed and assented to, or that such Bill has been duly and properly passed and presented to the Governor ; and any Proclamation purporting to be published by authority of the Governor in any newspaper in the colony to which such law or Bill shall relate, and signifying Her Majesty's disallowance of any such colonial law, or Her Majesty's assent to any such reserved Bill as aforesaid, shall be *primâ facie* evidence of such disallowance or assent.

Certified
copies of laws
to be evidence
that they are
properly
passed.

Proclamation
to be evidence
of assent and
disallowance.

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