



BRITISH ANTARCTIC TERRITORY

THE EXISTING LAWS (REPEAL) ORDINANCE 2020

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THE EXISTING LAWS (REPEAL) ORDINANCE 2020

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BRITISH ANTARCTIC TERRITORY

Enacted by the Commissioner,
Ben Merrick,
XX XXXX 2020

Ordinance No. 23 of 2020

THE EXISTING LAWS (REPEAL) ORDINANCE 2020

AN ORDINANCE to repeal existing laws and to provide for matters consequential thereon or incidental thereto.

Citation and commencement.

1. This Ordinance may be cited as the Existing Laws (Repeal) Ordinance 2020 and shall come into force on XXXXX.

Definitions.

2. In this Ordinance –

“existing law” means a law which has effect, and is in force, as part of the law of the Territory immediately before the commencement of this Ordinance and which is –

(a) an Ordinance enacted by the Commissioner; or

(b) a proclamation, rule, regulation, order, notice, rule of court, scheme, warrant or by-law (or other instrument which likewise has legislative effect) having such effect as part of the law of the Territory under or by virtue of such a law as is mentioned in paragraph (a); and

“the new laws” means the laws specified in Schedule 1 to this Ordinance.

Repeal of existing laws.

3. (1) Subject to subsections (2) and (3), all existing laws are repealed.

(2) Subsection (1) does not apply to –

(a) the Appropriation (2020-2021) Ordinance 2020;

(b) for the avoidance of doubt, those laws which are set out in Schedule 2 to this Ordinance;

(c) the Ozone Layer Protection Ordinance 1993 (Ordinance No. 2 of 1993);

(d) the United Nations (International Tribunal) (Former Yugoslavia) Ordinance 1996 (Ordinance No. 2 of 1996), and

(e) the United Nations (International Tribunal) (Rwanda) Ordinance 1997 (Ordinance No. 1 of 1997).

(3) Without prejudice to the generality of Part 5 of the Interpretation and General Provisions Ordinance 2020, the repeal of the existing laws does not affect the continuing operation of those laws set out in Column A of Schedule 3 to this Ordinance, which will continue to have effect as if made under the laws set out in column B to that Schedule.

Saving provisions.

4. (1) Nothing in this Ordinance shall affect the continuing validity of –

(a) any certificate, declaration or other document produced pursuant to, or in accordance with the Registration Ordinance 1990, or

(b) any marriage solemnised under or in accordance with the Marriage Ordinance 2016, or the Marriage Ordinance 1990.

(2) Where a marriage licence has been issued pursuant to section 8(1) of the Marriage Ordinance 2016 and the duration of that licence extends to a date after the repeal of that Ordinance, the marriage licence will, after that date, be deemed to have been issued pursuant to section 8(1) of the Marriage Ordinance 2020.

(3) Where a Sale of alcohol licence has been issued pursuant to section 3 of the Licensing (Sale of Alcohol) Ordinance 2018 and the duration of that licence extends to a date after the repeal of that Ordinance, the licence will, after that date, be deemed to have been issued pursuant to section 3 of the Licensing (Sale of Alcohol) Ordinance 2020.

(4) Notwithstanding the repeal of the Income Tax Ordinance 1990 –

(a) the Finance Officer is obliged to act in accordance with section 9(2) of that Ordinance in regards to any tax which is due from any taxpayer as at the time of the repeal of that Ordinance, and

(b) for the purposes of the Income Tax Ordinance 2020, any continuous presence of a taxable person in the Territory immediately preceding the repeal of the Income Tax Ordinance 1990 shall be included within the designated period.

(5) In subsection (4), the words “designated period” and “taxable person” shall have the meanings assigned to them by section 2 of the Income Tax Ordinance 2020.

(6) The repeal of the Police Powers Ordinance 1991 shall not affect the validity of any arrest, investigation, prosecution or any other action lawfully taken in accordance with that Ordinance.

Existing office-holders etc.

5. (1) This section applies where, under any provision of a new law, the Commissioner is invested, in whatever terms, with the power (whether or not exercisable in accordance with the instructions of, or after consultation with, some other person or authority) to –

(a) appoint a person to any office (hereinafter referred to as “the new office”), or

(b) designate, nominate or otherwise authorise a person to perform the functions of that office, or

(c) exercise any powers or discharge any duties created by or under that law (hereinafter referred to as “the new powers” and “the new duties”).

(2) Any person who, immediately before the commencement of this Ordinance –

(a) holds the corresponding office, or

(b) is for the time being designated, nominated or otherwise authorised –

(i) to perform the functions of that office, or

(ii) to exercise or discharge the corresponding powers or duties

shall, as from the commencement of this Ordinance, be deemed to have been appointed to hold the new office (or as the case may require, to have been designated, nominated or otherwise authorised as aforesaid) by the Commissioner under the new law.

(3) Any person to whom subsection (2) is applicable shall also be deemed –

(a) to have taken any oath required by law for that purpose, and

(b) subject to the new law, to have been so appointed, designated, nominated or otherwise authorised on the same terms and conditions as applied to his original appointment, designation, nomination or other authorisation.

(4) In this section –

“the corresponding office” means the office, if any, constituted under an existing law, or under section 10 or section 15 of the British Antarctic Territory Order 1989, which substantially corresponds to the new office; and

“the corresponding powers” and “the corresponding duties” mean, respectively, the powers or duties, if any, created by or under an existing law which substantially correspond to the new powers or the new duties.

(5) If the question arises in any proceedings whether –

(a) any office was, in relation to a new office, the corresponding office, or

(b) whether any powers or duties were, in relation to new powers or duties, the corresponding powers or duties, or

(c) for the purposes of this section, any person did, immediately before the commencement of this Ordinance, hold any office or was then for the time being designated, nominated or otherwise authorised to perform the functions of any office or to exercise any powers or discharge any duties,

a certificate by the Commissioner as to that matter shall be conclusive thereof in those proceedings.

SCHEDULE 1

Section 2

NEW LAWS

	Ordinances
1.	The Interpretation and General Provisions Ordinance 2020 (No. 1 of 2020).
2.	The Administration of Justice Ordinance 2020 (No. 2 of 2020).
3.	The Criminal Procedure Ordinance 2020 (No. 3 of 2020).
4.	The Crown Proceedings Ordinance 2020 (No. 4 of 2020).
5.	The Commissioners for Oaths Ordinance 2020 (No. 5 of 2020).
6.	The Prisons Ordinance 2020 (No. 6 of 2020).
7.	The Currency Ordinance 2020 (No. 7 of 2020).
8.	The Public Funds (Procedures) Ordinance 2020 (No. 8 of 2020).
9.	The Income Tax Ordinance 2020 (No. 9 of 2020).
10.	The Postal Services Ordinance 2020 (No. 10 of 2020).
11.	The Place-Names Ordinance 2020 (No. 11 of 2020).
12.	The Registration Ordinance 2020 (No. 12 of 2020).
13.	The Immigration Ordinance 2020 (No. 13 of 2020).
14.	The Imports and Exports (Control) Ordinance 2020 (No. 14 of 2020).
15.	The Customs Ordinance 2020 (No. 15 of 2020).
16.	The Firearms Ordinance 2020 (No. 16 of 2020).
17.	The Misuse of Drugs Ordinance 2020 (No. 17 of 2020).
18.	The Police Powers Ordinance 2020 (No. 18 of 2020).
19.	The Environmental Protection Ordinance 2020 (No. 19 of 2020).
20.	The Attorney General Ordinance 2020 (No. 20 of 2020).
21.	The Marriage Ordinance 2020 (No. 21 of 2020).
22.	The Licensing (Sale of Alcohol) Ordinance 2020 (No. 22 of 2020).
	Orders and Regulations
1.	The Licensing (Sale of Alcohol) Ordinance 2020 Application and Fees Regulations 2020.

SCHEDULE 2

Section 3(2)(b)

Existing Laws Unaffected By Repeal

Existing laws	Enacting provisions
British Antarctic Territory Court of Appeal Rules 1992.	Section 5 of the British Antarctic Territory Court of Appeal Order 1965.
Civil Aviation (Investigation of Air Accidents) Regulations 1996.	Section 10 of the Civil Aviation Act 1949 (as extended to the Territory by section 3 of the Civil Aviation Act 1949 (Overseas Territories) Order 1969 and paragraph 3 of Schedule 2 to that Order.
The Antarctic (British Antarctic Territory) Regulations 1997.	Sections 9(1), 10(1), 11(1), 14(1), 25(1) and (3), 29 and 32 of the Antarctic Act 1994, as extended to the British Antarctic Territory by the Antarctic Act 1994 (Overseas Territories) Order 1995.
The Antarctic (British Antarctic Territory) Regulations 1997 (Commencement) Notice 1997 (SI No. 3 of 1997).	Regulation I of the Antarctic (British Antarctic Territory) Regulations 1997.
The Antarctic Act 1994 (Overseas Territories) Order 1995 (Commencement) Order 1997.	Article 1(2) of the Antarctic Act 1994 (Overseas Territories) Order 1995.
The Antarctic Act 1994 (Overseas Territories) (Amendment) Order 2015 (Commencement) Order 2015 (SI No. 1 of 2015).	Section 1(2) of the Antarctic Act 1994 (Overseas Territories) (Amendment) Order 2015.
Discharge of Commissioner's functions during vacancy, etc., Notice (Notice No. 1 of 2015).	Section 7(1) of the British Antarctic Territory Order 1989.
The Antarctic Act 1994 (Overseas Territories) (Amendment) Order 2017 (Commencement) Order 2019 (SI No. 1 of 2019).	Section 1(2) of the Antarctic Act 1994 (Overseas Territories) (Amendment) Order 2017.

SCHEDULE 3

Section 3(3)

Retained Laws

Column A	Column B
The Official Gazette (Publication) Order 2016 (SI No. 1 of 2016).	Section 13(3) of the British Antarctic Territory Order 1989 and section 5(6) of the Interpretation and General Provisions Ordinance 2020.
The Marriage Rules (Fees) 2016 (SI No. 2 of 2016).	Section 14 of the Marriage Ordinance 2020.
The Registration Ordinance Regulations (Fees) 2016 (SI No. 3 of 2016).	Section 24 of the Registration Ordinance 2020.
The Registrar General (Acting Appointment) Notice 2017 (SI No. 1 of 2017).	Section 3(2) of the Registration Ordinance 2020.
The Currency Regulations 2017 (SI No. 2 of 2017).	Section 3(2) of the Currency Ordinance 2020.
The Postal Rates Notice 2019	Sections 6 and 13 of the Postal Services Ordinance 2020.