

Jurisdiction
for recovery
of land.
(Cap. 255).
(Cap. 116).

6. Subject to the provisions of the Landlord and Tenant Ordinance, the Court shall have jurisdiction to hear and determine any action for the recovery of land where the annual rent or the rateable value, determined in accordance with the provisions of the Rating Ordinance, or the annual value of the land, whichever is the least, does not exceed five thousand dollars.

Jurisdiction
where title
in question.

7. The Court shall have jurisdiction to hear and determine any action in which the title to any hereditament comes in question, being an action which would otherwise be within the jurisdiction of the Court—

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- (a) in the case of an easement or licence, if the rateable value determined in accordance with the provisions of the Rating Ordinance or the annual value, whichever is the less, of the hereditament in respect of which the easement or licence is claimed, or on, through, over or under which the easement or licence is claimed does not exceed five thousand dollars; or
- (b) in any other case if such rateable value or the annual value, whichever is the less, of the hereditament in question does not exceed five thousand dollars.

Equity
jurisdiction.

8. (1) The Court shall have all the jurisdiction of the Supreme Court to hear and determine any of the following proceedings—

- (a) proceedings for the administration of the estate of a deceased person, where the estate does not exceed in amount or value the sum of five thousand dollars;
- (b) proceedings for the execution of any trust or for a declaration that a trust subsists, where the estate or fund subject, or alleged to be subject, to the trust does not exceed in amount or value the sum of five thousand dollars;
- (c) proceedings for foreclosure or redemption of any mortgage or for enforcing any charge or lien, where the amount owing in respect of the mortgage charge or lien does not exceed the sum of five thousand dollars;
- (d) proceedings for the specific performance, or for the rectification, delivery up or cancellation of any agreement for the sale, purchase or lease of any property, where, in the case of

a sale or purchase, the purchase money or, in the case of a lease, the value of the property does not exceed the sum of five thousand dollars;

- (e) proceedings relating to the maintenance or advancement of an infant, where the property of the infant does not exceed in amount or value the sum of five thousand dollars;
 - (f) proceedings for the dissolution or winding up of any partnership, whether or not the existence of the partnership is in dispute, where the whole assets of the partnership do not exceed in amount or value the sum of five thousand dollars;
 - (g) proceedings for relief against fraud or mistake where the damage sustained or the estate or fund in respect of which relief is sought does not exceed in amount or value the sum of five thousand dollars.
- (2) In all such proceedings as aforesaid a judge shall, in addition to any other powers and authority possessed by him, have all the powers and authorities, for the purpose of this Ordinance, of a judge of the Supreme Court acting in the exercise of the equitable jurisdiction of the Supreme Court.

*Counterclaims, Transfer of Proceedings and
Miscellaneous Provisions as to Jurisdiction.*

9. (1) Where in any action or matter commenced in the Court, any counterclaim or set-off and counterclaim of any defendant involves matter beyond the jurisdiction of the Court, any party to the action or matter may, within such time as may be prescribed by the Code or by any other rules of the Supreme Court, apply to the Supreme Court or to a judge thereof for an order or that the whole proceedings, or the proceedings on the counterclaim or set-off and counterclaim, be transferred to the Supreme Court.

Jurisdiction
as to
counterclaim.

(2) In any such proceedings, and at any stage thereof, a District Judge may, at any time of his own motion, report to the Registrar of the Supreme Court the facts and circumstances of or relevant to such proceedings and the Registrar of the Supreme Court shall thereupon place such report before the Supreme Court or before a judge thereof.

(3) On any such application or report, the Supreme Court or a judge thereof may, as it or he thinks fit, order either—

- (a) that the whole proceedings be transferred to the Supreme Court; or

- (b) that the whole proceedings be heard and determined in the District Court; or
- (c) that the proceedings on the counterclaim or set-off and counterclaim be transferred to the Supreme Court and that the proceedings on the plaintiff's claim and the defence thereto other than the set-off, if any, be heard and determined in the District Court:

Provided that, where an order is made under paragraph (c) and judgment on the claim is given for the plaintiff, execution thereon shall, unless the Supreme Court or a judge thereof at any time otherwise orders, be stayed until the proceedings transferred to the Supreme Court have been concluded.

(4) If no application or report is made under this section within the time prescribed as aforesaid, or if on any such application or report it is ordered that the whole proceedings be heard and determined in the District Court, the District Court shall have jurisdiction to hear and determine the whole proceedings notwithstanding any enactment to the contrary.

Procedure where proceedings beyond jurisdiction are commenced in the Court.

10. (1) Where an action or matter commenced in the Court involves matter beyond the jurisdiction of the Court, any defendant may, before the expiry of three clear days or such other period as may be prescribed, give notice to the Court that he objects to the action or matter being tried in the Court and where such notice is given, the Court shall order that the action be transferred to the Supreme Court.

(2) A judge may, at any stage of the proceedings, of his own motion, order that any action or matter, which involves matter beyond the jurisdiction of the Court or which appears to him, having regard to the nature of the claim or the relief sought, might be more conveniently heard and determined in the Supreme Court, be transferred to the Supreme Court.

(3) Nothing in this section shall empower the District Court to hear and determine any proceedings involving matter beyond the jurisdiction of that Court.

Transfer to Court from Supreme Court of proceedings within jurisdiction of the Court.

11. Where an action or matter commenced in the Supreme Court is within the jurisdiction of the District Court or has been brought within such jurisdiction by payment, admitted set-off or otherwise, the Supreme Court or a judge thereof may, if it or he thinks fit, order the transfer of such action or matter to the District Court and thereupon the District Court shall have jurisdiction and authority to proceed therein.

12. If it appears to the Supreme Court or to a judge thereof that any proceedings in the Supreme Court by way of interpleader, in which the amount or value of the matter in dispute does not exceed the sum of five thousand dollars, may be more conveniently heard and determined in the District Court, the Supreme Court may at any time order that the proceedings be transferred to the District Court and thereupon the District Court shall have jurisdiction and authority to proceed therein.

Transfer of interpleader proceedings from Supreme Court to Court.

13. Except as provided in section 12, the jurisdiction of the Court in interpleader proceedings shall be limited to cases in which a claim is made to or in respect of any movable property seized or intended to be seized in execution under process of the Court:

Interpleader generally.

Provided that nothing in this section shall affect the jurisdiction conferred on the Court by section 19, in interpleader proceedings other than under executions, that is to say, where a person, being under a liability for any debt or other chose in action, money or movable property for or in respect of which he is or expects to be sued by two or more persons, applies to the Court for relief by way of interpleader.

14. (1) Where an action, counterclaim or matter is ordered to be transferred—

Costs in transferred cases, etc.

- (a) from the Supreme Court to the Court; or
- (b) from the Court to the Supreme Court,

the costs of the whole proceedings both before and after the transfer shall, subject to any order made by the court which ordered the transfer, be in the discretion of the court to which the proceedings are transferred, and that court shall have power to make orders with respect thereto and as to the scales on which the costs of the several parts of the proceedings are to be taxed, and the costs of the whole proceedings shall be taxed in that court:

Provided that, where an action that is transferred from the Supreme Court to the Court is an action founded on contract or tort, then, as regards so much of the proceedings in the action as takes place in the Supreme Court before the transfer, the Court may, if satisfied that there was sufficient reason for bringing the action in the Supreme Court and subject to any order of the Supreme Court, make an order allowing costs on the Supreme Court scale or on any District Court scale.

(2) Where any proceedings in which the District Court has jurisdiction are brought in the Supreme Court costs shall be recoverable on such scale and in such amount as would have been recoverable if the

proceedings had been brought in the District Court, unless the proceedings were so brought by leave of the Supreme Court or unless the Supreme Court otherwise orders.

Procedure on transfer.

15. (1) When any action, counterclaim or matter is ordered to be transferred from the Supreme Court to the District Court—

- (a) any party may lodge with the Registrar of the Supreme Court the order and the writ or other process or copies thereof and such other documents, if any, as the Registrar of the Supreme Court may direct; and
- (b) the Registrar of the Supreme Court shall, on the application of that party and on production of the order and the filing of a copy thereof, send to the Registrar of the District Court all pleadings, affidavits and other documents filed in the Supreme Court relating to the action, counterclaim or matter.

(2) On such documents being so lodged or sent, the action and counterclaim if any, or the counterclaim or matter, shall be transferred to the District Court and, subject as may be prescribed, all further proceedings therein shall be taken and tried, as if the action, counterclaim or matter had been originally commenced in that Court and that Court shall have jurisdiction to deal therewith notwithstanding any enactment to the contrary:

Provided that the transfer shall not affect any right of appeal in the Supreme Court or to the Full Court from the order directing the transfer, or the right to enforce in the Supreme Court any judgment signed or order made in that Court before the transfer.

(18 of 1957.) (3) Nothing in the provisions of sections 9, 10, 11 or 12 shall derogate from the provisions of section 15 of the Crown Proceedings Ordinance, 1957.

Division of causes of action.

16. No cause of action shall be split or divided so as to be made the ground of two or more different actions for the purpose of bringing two or more actions in the Court.

Infancy no defence.

17. No person shall by reason of his not having attained the full age of twenty one years be exempted from liability for any debt, damages or demand within the jurisdiction of the Court or which is brought within the jurisdiction of the Court by abandoning the excess within the meaning of section 5.

Venue.

18. No judgment, order or proceedings whatsoever shall be liable to be set aside on account of any defect in venue.

Exercise of Jurisdiction and Ancillary Jurisdiction.

19. (1) The Court, as regards any cause for the time being within its jurisdiction, shall in any proceedings before it—

General ancillary jurisdiction.

- (a) grant such relief, redress or remedy or combination of remedies, either absolute or conditional; and
- (b) subject to the provisions of section 9, give such and the like effect to every ground of defence or counterclaim, equitable or legal,

as ought to be granted or given, in the like case by the Supreme Court and in as full and ample a manner.

(2) In the application of the provisions of subsection (1) the rules of equity shall prevail in all matters in which there was formerly or is any conflict or variance between the rules of equity and the rules of common law.

20. A judge shall have jurisdiction in any proceedings pending in the Court to make any order or to exercise on an ex-parte application any authority or jurisdiction which, if it related to an action or proceeding pending in the Supreme Court, might be made or exercised by a judge of the Supreme Court in chambers.

Ancillary powers of judge.

21. (1) The Court shall have jurisdiction to grant and to enforce injunctions of whatsoever nature and as the case may require and to make binding declarations of right—

Extension of jurisdiction to grant injunctions and to make declarations.

- (a) in all matters affecting movable property, including money and choses in actions, where the amount or value thereof does not exceed five thousand dollars; and
- (b) with respect to any apprehended distress; and
- (c) in all matters affecting immovable property, including any right, licence or easement in, to, through or over any immovable property and any agreement, covenant or condition respecting immovable property, where the annual rent or the rateable value, determined in accordance with the provisions of the Rating Ordinance or the annual value, whichever is the less, of the property does not exceed five thousand dollars; and
- (d) in all matters of contract not falling within any of the foregoing paragraphs, where the amount or value of the subject matter of the contract does not exceed five thousand dollars,

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notwithstanding that any claim for damages or for any other relief or remedy which the Court is competent to grant shall be made in the proceedings.

- (2) Nothing in this section shall—
- (a) be deemed to confer admiralty jurisdiction upon the Court; or
 - (b) prejudicially affect the provisions of sections 19 and 20; or
 - (c) empower the Court to grant any injunction or to make any declaration in such manner as to affect any process or proceeding of or in the Supreme Court.

Review of
judgments
and orders.

22. (1) Except where a party to the proceedings has obtained leave to appeal and the parties to the proceedings do not agree to the withdrawal of the appeal, a judge, on such grounds as he may think sufficient and within one month from the date of any judgment or order given or made by him, may decide to review any such judgment or order and on such review may re-open and re-try the case, wholly or in part, and may take fresh evidence and may reverse, vary or confirm his previous judgment or order.

- (2) The power conferred by subsection (1) may be exercised—
- (a) by a judge of his own motion, on notice to all parties to the proceedings; or
 - (b) on the application of any party to the proceedings, on notice to the other party.

(3) The exercise of the power conferred by subsection (1) shall not operate as a bar to appeal by any party to the proceedings, against the judgment or order or, as the case may be, the determination upon the review.

(4) On an application by a party to any proceedings for a review of a decision or order made therein, a judge may impose such terms as to costs, payment into court or otherwise as he may think fit as a condition of the exercise of his power of review.

(5) If a judge shall have decided, within one month from the date of any judgment or order, to exercise his power of review in respect thereof, such power may be exercised at any time thereafter whether within such period of one month or otherwise.

(6) A decision by a judge to exercise his power of review shall not operate as a stay of execution of the judgment or order which is to be reviewed unless the judge otherwise orders and any stay of execution may be made subject to such conditions as to costs, payment into court, giving security or otherwise as the judge thinks fit.

(7) The power conferred by subsection (1) may be exercised in relation to proceedings under the jurisdiction conferred by any other enactment unless such other enactment specifically otherwise provides.

PART III.

PROCEDURE.

Parties.

23. Any trustee, executor or administrator may sue and be sued in the Court on behalf of or as representing the property or estate of which he is a trustee or a personal representative, without joining any person beneficially interested in the trust or the estate and in like manner as if the trustee, executor or administrator were a party in his own right but the Court may, at any stage of the proceedings, order that any person beneficially interested in the trust or estate shall be made a party to the proceedings, either in addition to or in substitution for the previously existing parties.

Trustees and
personal rep-
resentatives.

24. Any two or more persons, being employees or prospective employees of the same person or having separate causes of action against such person for arrears of salary or wages or for deposits made with such person, in relation to the employment or prospective employment, or for damages for wrongful dismissal or otherwise in connexion with the employment or prospective employment may unite as plaintiffs in one action against such other person:

Claims by
employees
for wages.

Provided that if it appears to the Court that such joinder may embarrass or delay the trial of the action, the Court may order separate trials or may make such other order as may be expedient but any such defendant, though unsuccessful, shall be entitled to such costs as are occasioned by so joining any person who is not found to be entitled to any relief, unless the Court in disposing of the costs otherwise directs.

25. (1) Where a plaintiff has a demand recoverable against two or more persons jointly liable, as partners or otherwise, it shall be sufficient to serve any of those persons with process, and judgment may be obtained and execution issued against any person so served notwithstanding that any other person jointly liable may not have been served or sued or may not be within the jurisdiction of the Court.

Persons
jointly liable.

(2) Where judgment is obtained against a person as aforesaid and is satisfied by that person, he shall be entitled to recover in the Court contribution from any other person jointly liable with him.

(3) A judgment obtained against a person in respect of his liability jointly with any other person shall not release such other person from any liability for such indebtedness.

(4) Where a person is sued in respect of his liability jointly with any other person, he may set up any defence or counterclaim which he would have been entitled to set up if all the persons liable had been made defendants.

(5) Where two or more persons are made defendants, whether as jointly or as severally liable, the plaintiff may have judgment against any one or more of the defendants and may issue execution thereon without prejudice to his right to proceed with the action against any other defendant.

Bankruptcy
of plaintiff.

26. (1) The bankruptcy of the plaintiff in any action in the Court which the trustee in bankruptcy might maintain for the benefit of the creditors shall not cause the action to abate if, within such reasonable time as the Court may order, the trustee elects to continue the action and to give security for the costs thereof.

(2) The hearing of the action may be adjourned until such election is made.

(3) Where the trustee does not elect to continue the action and to give such security as aforesaid within the time limited by the order, the defendant may avail himself of the bankruptcy as a defence to the action.

Commencement of Proceedings and Framing of Issues.

Commence-
ment of
proceedings.

27. (1) Subject as may be prescribed and to the provisions of any other enactment, every proceeding in the Court shall be commenced by a writ of summons.

(2) Every writ of summons shall require the defendant to attend the Court at a day and time and at the place stated therein and shall state or have endorsed thereon—

- (a) particulars of the plaintiff's claim, specifying the cause of action and the pecuniary or other claim which he seeks to establish or the relief or remedy which he seeks;
- (b) where the plaintiff abandons the excess of his claim under section 5, the fact of such abandonment;
- (c) a notification to the defendant that in default of his attendance judgment may be given against him in default of appearance or that the Court may, on the evidence adduced by the plaintiff, give such judgment as may appear just; and
- (d) such other particulars or notification as may be prescribed or as may from time to time be required by any direction given by the Chief Justice.

Framing of
issues.

28. (1) The Court may, in any proceedings, frame and record such issues of fact and law as it may think fit for the better hearing and determination of the cause and where such issues have been so framed and recorded neither parties shall be at liberty to depart therefrom except with the leave of the Court which may be given on such terms as to costs, payment of money into court, giving security or otherwise as the Court may think fit.

(2) Notwithstanding the provisions of subsection (1) the Court may in any cause make any such order for the filing and delivery of pleadings or particulars, formal or informal, as it may consider necessary or desirable for the better hearing and determination of the cause.

(3) Nothing in this section shall require the Court to frame or to record issues.

29. (1) For the purposes of framing issues in accordance with the provisions of section 28, the Court may—

Procedure
for framing
issues.

- (a) ascertain from each party or from his counsel, solicitor or other representative, what facts he admits or denies;
 - (b) orally examine any party or his representative, other than counsel or solicitor, appearing or present in Court;
 - (c) order that any party shall appear in person on a date specified in the order and adjourn the hearing of the matter to such date;
 - (d) call upon any party to produce all documents in his possession or in his power, upon which he intends to rely in support of his case, and if necessary order any party to produce such documents on a date specified in the order and adjourn the hearing of the matter to such date;
 - (e) have regard to any allegations made in any particulars of claim or other pleadings, formal or informal, in the cause and to the contents of any document produced by any party; and
 - (f) require the production of, and examine, any record of proceedings forming part of the records of the Court or of a tenancy tribunal established under the Landlord and Tenant (Cap. 255) Ordinance.
- (2) The Court may, at any time and from time to time—
- (a) adjourn the framing of issues;
 - (b) amend issues already framed, frame additional issues or strike out issues which appear to be wrongly framed,

on such terms as to costs, payment of money into court, giving security or otherwise as it thinks fit.

Summary Judgment, Trial, etc.

30. (1) Where—

Summary
judgment.

- (a) any party appearing or present in court, upon being required so to do by the Court for the purpose of framing issues, refuses without reasonable excuse to be orally examined by the judge or to produce any document then and there in his possession; or

- (b) the defendant, in the opinion of the Court, fails, by himself or by his counsel, solicitor or other representative to disclose any reasonable ground of defence; or
- (c) any party being bound by an order made under paragraph (c) or (d) of subsection (1) of section 29 fails without reasonable excuse to obey the same,

the Court may pronounce such judgment against him and in such terms as it shall think fit or make such order and impose such terms as to costs, payment into court, giving security or otherwise as it thinks fit.

(2) Whenever, in the opinion of the Court, the issues are sufficiently established for the immediate determination of the cause, the Court may pronounce judgment forthwith in such terms as it shall think fit.

Summary judgment for part of a claim.

31. Where a claim is for a debt or for liquidated damages only and the defendant—

- (a) admits a sum less than the amount claimed; or
- (b) in the opinion of the Court, fails, by himself or by his counsel, solicitor or other representative, to disclose any reasonable ground of defence with respect to part of the claim; or
- (c) has a counterclaim and it appears to the Court that the maximum amount which could be recovered thereunder, if the counterclaim were to be upheld, is less than the amount of the claim,

the Court may, if it thinks fit, enter judgment forthwith for the sum so admitted or for the sum in respect of which no reasonable ground of defence is disclosed or for a sum representing the difference between the amount of the claim and the maximum amount which appears to be recoverable on the counterclaim, as the case may be, with or without costs, and may permit execution to be levied forthwith on such judgment, without prejudice to the hearing and determination of the matters remaining in dispute between the parties.

Date of trial.

32. Except with the consent of the parties or the leave of the Court no action or matter shall be heard or determined before the expiry of three clear days or such other period as may be prescribed after the service of the writ or other process originating the proceedings.

Notice of special defence.

33. Except with the consent of the parties or the leave of the Court, which leave may be given on such terms as to costs, payment of money into Court, giving security or otherwise as the Court thinks fit, no defendant may rely on any equitable defence or on any special defence, such as set-off, illegality, want of consideration or the statute of limitations, unless at least three clear days written notice thereof has been given to the plaintiff, or to his counsel or solicitor, and to the Court.

34. (1) In any civil proceedings, the Court may call to its aid not more than two assessors specially qualified and may dispose of such proceedings, wholly or in part, with the aid of such assessor or assessors, but the decision of the judge shall be the decision of the Court.

Assessors.

(2) The Court may determine the remuneration, if any, to be paid to an assessor in respect of his services:

Provided that nothing in this subsection shall authorize the payment of remuneration to any person employed full time in any office of emolument under the Crown.

35. (1) The Supreme Court or a judge thereof, on application made in manner prescribed by the Code, may issue a commission, request or order to examine witnesses abroad for the purpose of proceedings in the Court in the same manner as it or he may issue such commission, request or order for the purpose of an action or matter in the Supreme Court.

Examination of witnesses abroad.

(2) Where any such application is made, the Supreme Court or a judge thereof, if it or he thinks fit, may order that the proceedings be transferred to the Supreme Court.

36. (1) The reasons for any judgment or order of the Court may be delivered orally or in writing as the judge shall think fit:

Oral and written judgments, etc.

Provided that where a judge has delivered his reasons orally, he may, of his own motion, at any time within thirty days thereafter and shall if so required at any time by any party who has obtained an order for a review under section 22 or has obtained or has been refused leave to appeal record the reasons for his judgment or order in writing.

(2) Every party to the proceedings shall be entitled to a copy of any written judgment or order on payment of such fees as may be prescribed.

(3) Where a judge records in writing the reasons for a judgment or order in accordance with the proviso to subsection (1), he may modify the legal grounds thereof or substitute new legal grounds therefor.

37. No action or other proceeding in the Court shall be treated or considered as invalid or subject to be set aside on account of any verbal or technical errors or other defect in form and any such error or mistake may in any such case be amended or corrected by the Court.

Proceedings not to be set aside for want of form.

38. (1) Where a judge is prevented by death, absence or otherwise howsoever from concluding the trial of any cause, any other judge, with the consent of the parties, may proceed therewith and may give judgment therein and in so doing may act not only upon any further evidence adduced in the proceedings but also upon any evidence already received insofar as it has been recorded.

Death or absence of judge before conclusion of trial.

(2) For the purposes of this section, the fact that a judge purports to proceed with an unconcluded trial in accordance with the provisions of subsection (1), shall be conclusive evidence that the former judge in such cause is dead, absent or otherwise not available.

PART IV.
APPEALS.

Appeal to
Full Court.

39. (1) If any party to any proceedings in the Court is dissatisfied with a determination or direction of a judge in point of law or upon the admission or rejection of any evidence or on any question of fact, the party aggrieved by the judgment, direction, decision or order may within fourteen days thereafter apply to a judge for leave to appeal or, if such judge refuses leave, within a further fourteen days from the date of such refusal to the Full Court.

(2) So far as is practicable, every application for leave to appeal shall be made to the judge against whose judgment, direction, order or decision the appeal is sought.

(3) In any case in which the Full Court may so allow any such application may be made direct to the Full Court.

(4) On any such application, the judge or the Full Court, as the case may be, may in his or its discretion grant leave to appeal on such terms as to costs, payment of money into court, giving security for the prosecution of the appeal or otherwise as he or it may think fit.

(5) A judge or the Full Court may, at any time, and notwithstanding that the time for an application for leave to appeal may have already expired, extend the time for applying for leave to appeal.

(6) Where a judge has exercised his power of review under section 22, the time for applying for leave to appeal shall run from the date of the determination made upon such review.

Powers of
Full Court
on appeal.

40. (1) On any appeal, the Full Court may draw any inference of fact and may—

- (a) order a new trial on such terms as it thinks just; or
- (b) order judgment to be entered for any party; or
- (c) make a final or other order on such terms as it thinks proper to ensure the determination on the merits of the real question in controversy between the parties.

(2) On any appeal, the Full Court may reverse or vary, in favour of a party seeking to support the judgment or order of the Court in whole or in part, any determinations made in the Court on questions

of fact, notwithstanding that the appeal is on a point of law only, or any such determinations on points of law notwithstanding that the appeal is an appeal on a question of fact only.

(3) On any appeal, the Full Court may receive further evidence in accordance with the provisions of the Code.

41. Subject to the provisions of this Ordinance, every appeal from the Court to the Full Court shall be brought in such manner and shall be subject to such conditions as are prescribed by the Code. Procedure
on appeal.

42. (1) An application for a stay of execution on an appeal may be made at any time and shall, unless the Full Court otherwise allows, be made in the first instance to a judge of the Court. Stay of
execution on
appeal.

(2) Without prejudice to the powers of the Full Court, a judge, on any such application, may grant a stay of execution on such terms as to costs, payment of money into court, giving security for the prosecution of an appeal or otherwise as he shall think fit.

PART V.
GENERAL.

43. In the execution of a judgment or order for the recovery of a sum of money, the bailiff shall in the first instance, if practicable, levy execution on the goods, chattels and effects of the party against whom it is made and in the event of the bailiff not being able to find sufficient goods, chattels or effects and of the said party failing to point out to the bailiff any property whereon to levy, the bailiff shall enforce the judgment or order by personal arrest and imprisonment. Levy on
goods, etc.
in first
instance.

44. (1) Where writs have been issued from the Supreme Court and from the District Court or from the District Court only, at the suit of different plaintiffs, against the goods of the same person, the right to the goods seized shall be determined by the priority of the time of delivery of the writ to the bailiff to be executed. Priority of
Supreme
Court and
court
executions.

(2) The bailiff shall endorse on every such writ the date and time of the same coming to his hands for execution.

45. (1) Where a lessor is proceeding by action in the Court (being an action in which the Court has jurisdiction) to enforce against a lessee a right of re-entry or forfeiture in respect of any land for non-payment of rent, the following provisions shall have effect— Provisions
as to forfei-
ture for
non-payment
of rent.

- (a) if the lessee pays into court not less than five clear days before the return day all the rent in arrear and the costs of the action as endorsed on the writ, the action shall cease, and the lessee shall hold the land according to the lease without any new lease;

- (b) if the action does not cease as aforesaid and the Court at the trial is satisfied that the lessor is entitled to enforce the right of re-entry or forfeiture, the Court shall order possession of the land to be given to the lessor at the expiration of such period, not being less than four weeks from the date of the order, as the Court thinks fit, unless within that period the lessee pays into court all the rent in arrear and the costs of the action as endorsed on the writ or as may be fixed by the Court;
- (c) if within the period specified in the order, the lessee pays into court all the rent in arrear and the costs of the action, he shall hold the land according to the lease without any new lease, but if the lessee does not, within the said period, pay into court all the rent in arrear and the costs of the action, the order shall be enforced in the prescribed manner, and so long as the order remains unreversed the lessee shall be barred from all relief:

Provided that, where the lessor is proceeding in the same action to enforce a right of re-entry or forfeiture on any other ground as well as for non-payment of rent, or to enforce any other claim as well as the right of re-entry or forfeiture and the claim for arrears of rent, paragraph (a) of this subsection shall not apply, and nothing in this subsection shall be taken to affect the power of the Court to make any order which it would otherwise have power to make as respects the right of re-entry or forfeiture on that other ground.

(2) Where any such action as aforesaid is brought in the Court and, at the time of the commencement of the action, one half-year's rent is in arrear and the lessor has a right to re-enter for non-payment thereof and no sufficient distress is to be found on the premises counter-vailing the arrears then due, the service of the summons in the action in the prescribed manner shall stand in lieu of a demand and re-entry.

(3) Where a lessor has enforced against a lessee, by re-entry without action, a right of re-entry or forfeiture as respects any land for non-payment of rent, the lessee may, if the annual rent or the rateable value determined in accordance with the provisions of the Rating Ordinance or the net annual value of the land, whichever is the less, does not exceed five thousand dollars, at any time within six months from the date on which the lessor re-entered apply to the Court for relief, and on any such application the Court may, if it thinks fit, grant to the lessee such relief as the Supreme Court could have granted.

(4) For the purposes of this section—

- (a) the expression "lease" includes an original or derivative under-lease, also an agreement for a lease where the lessee has become entitled to have his lease granted, also a grant, securing

(Cap. 116).

a rent by condition but does not include a lease directly from the Crown;

- (b) the expression "lessee" includes an original or derivative under-lessee, and the persons deriving title under a lessee, also a grantee under any such grant as aforesaid and the persons deriving title under him;
- (c) the expression "lessor" includes an original or derivative under-lessee and the persons deriving title under a lessor, also a person making such grant as aforesaid and the persons deriving title under him;
- (d) the expression "under-lease" includes an agreement for an under-lease where the under-lessee has become entitled to have his under-lease granted;
- (e) the expression "under-lessee" includes any person deriving title under an under-lessee.

46. The Court shall have the same power to enforce an undertaking given by a solicitor in relation to any proceedings in that court as the Supreme Court has to enforce an undertaking so given in relation to any proceedings in the Supreme Court. Solicitors.

47. (1) No action shall be brought against a judge for any act done by him in the execution of his duty until the act done by him has been quashed on appeal to the Full Court or by the Court. Protection of judges.

(2) No such action shall be brought in respect of any matter within the jurisdiction of the judge unless it is expressly alleged that such act was done maliciously and without reasonable and probable cause and the burden of proof that the act was so done shall rest with the plaintiff in such action.

(3) In any such action in respect of any matter over which by law the judge had no jurisdiction or in which he exceeded the jurisdiction conferred on him by this Ordinance or by any other enactment, it shall be a good defence that the act complained of was not done maliciously and without reasonable or probable cause and the burden of proof that the act was not so done shall rest with the judge.

(4) Save under and in accordance with this section no action shall lie in any civil court against a judge for any act done in a matter over which by law he had no jurisdiction or in which he exceeded the jurisdiction conferred on him by this Ordinance or by any other enactment.

48. (1) The Rules Committee may make rules regulating the practice of the Court in the exercise of its civil jurisdiction and the forms of proceedings therein and prescribing scales of costs to be paid to counsel and solicitors and the court fees to be paid in respect of any such proceedings. Civil Procedure Rules.

(2) The power to make such civil procedure rules shall extend to all matters of procedure or practice or matters relating to or concerning the effect or operation in law of any procedure or practice in any case within the cognizance of the Court as to which rules of the Supreme Court have been or might be made for cases within the cognizance of the Supreme Court and shall include power to make rules as to proceedings by or against the Crown.

(3) Without prejudice to the generality of the foregoing provisions of this section, the power to make civil procedure rules shall extend to—

- (a) providing for the division of the Colony into districts for the purposes of venue in civil proceedings and delineating and describing such districts;
- (b) prescribing the district in which proceedings are to be commenced and the procedure to be adopted where proceedings are commenced in one district which should under the rules have been commenced in another district;
- (c) prescribing the circumstances in which proceedings may be transferred from one district to another district and the procedure consequent on any such transfer;
- (d) authorizing the Registrar to enter judgment by default;
- (e) authorizing a judge to direct that the hearing in proceedings pending in any district shall take place in some other district;
- (f) regulating or providing for any matters which were formerly regulated or provided for by the Supreme Court (Summary Jurisdiction) Ordinance.

(Cap. 5).

(4) Any rule made in accordance with the provisions of this section may be so made as to modify, with respect to proceedings in the Court, any rule of law or practice as to the proof of any matter or as to the reception or admissibility of any matter in evidence.

(5) No rule made in accordance with the provisions of this section shall apply to any proceedings by or against the Crown except in so far as it expressly purports so to do.

PART VI.

REPEAL, TRANSITIONAL PROVISIONS, ETC.

Repeal.
(Cap. 5).

49. (1) The Supreme Court (Summary Jurisdiction) Ordinance is repealed and that Ordinance, in so far as it applied to the District Court immediately before the coming into operation of this Ordinance, notwithstanding the previous repeal of part thereof, shall cease to so apply.

(2) Subsection (3) of section 11 of the Crown Proceedings (18 of 1957) Ordinance, 1957, is repealed.

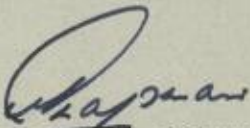
(3) Where by any enactment jurisdiction is conferred on the Supreme Court in its summary jurisdiction, such jurisdiction is hereby conferred on the Court.

50. (1) The statutes of limitations applicable to proceedings in the Supreme Court shall apply to proceedings in the Court, including proceedings pending in the Court at the date of coming into operation of this Ordinance. Limitation
of actions.

(2) Notwithstanding the provisions of section 6 of the Supreme Court (Summary Jurisdiction) Ordinance, an action may be commenced and judgment given in and enforced by the Court for the recovery of any sum of money within the jurisdiction of the Court, which prior to the coming into operation of this Ordinance could not, by virtue of section 6 of that Ordinance, have been recovered by action in the Court. (Cap. 5).

51. Notwithstanding the provisions of section 49, any action or other proceedings in the District Court pending and not disposed of at the date of coming into operation of this Ordinance shall, save as is herein otherwise expressly provided, be disposed of as if this Ordinance had not been enacted. Saving.

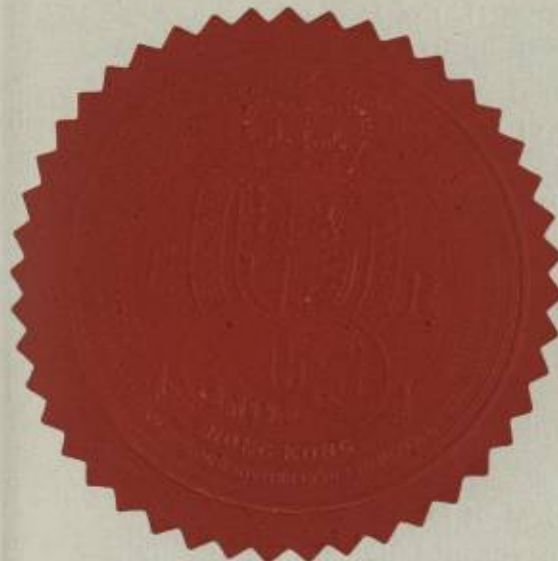
This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 25th day of July, 1962, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

(Secretariat GR20/3231/52)

HONG KONG

NO. 23 OF 1962.



I assent.

Governor.

26th July, 1962.

An Ordinance to amend the Penicillin Ordinance, Chapter 137.

[27th July, 1962.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Penicillin (Amendment) Ordinance, 1962. Short title.

2. Section 2 of the Penicillin Ordinance (hereinafter referred to as the principal Ordinance) is amended by the insertion, after the definition "authorized seller of poisons", of the following definition— Amendment of section 2. (Cap. 137).
"Director of Agriculture and Forestry" includes the Senior Veterinary Officer and any veterinary officer;"

3. Section 4 of the principal Ordinance is amended by— Amendment of section 4.
(a) the insertion, at the end of subsection (2), of the following—

" , or a holder of a valid permit issued by the Director of Agriculture and Forestry under subsection (1A) of section 4B, or a person acting under the direction of a holder of such permit"; and

(b) the insertion, after paragraph (a) of subsection (3), of the following new paragraph—

“(b) to any person who is a holder of a valid permit issued by the Director of Agriculture and Forestry under subsection (1A) of section 4B, if any substance or preparation so sold or supplied is clearly labelled “for veterinary purposes only”.”

Amendment
of section 4A.

4. Subsection (2) of section 4A of the principal Ordinance is amended by—

(a) the deletion of the full stop at the end thereof and the substitution therefor of the following—

“; or”; and

(b) the insertion, after paragraph (h), of the following new paragraph—

“(i) a person who is the holder of a valid permit issued by the Director of Agriculture and Forestry under subsection (1A) of section 4B.”

Amendment
of section 4B.

5. Section 4B of the principal Ordinance is amended by the insertion, after subsection (1), of the following new subsection—

“(1A) The Director of Agriculture and Forestry may in his absolute discretion issue to any person a permit in writing to possess for the purposes of veterinary treatment any substance to which this Ordinance applies or any preparation of which any such substance is an ingredient or part.”

Amendment
of section 4C.

6. Section 4C of the principal Ordinance is amended by—

(a) the insertion in subsection (1), after the word “person”, of the following—

“, other than the holder of a valid permit issued by the Director of Agriculture and Forestry under subsection (1A) of section 4B.”; and

(b) the deletion from subsection (2) of the words “this Ordinance” in the first place where they occur, and the substitution therefor of the following—

“subsection (1) of section 4B”.

Amendment
of section 4D.

7. Subsection (2) of section 4D of the principal Ordinance is amended by—

(a) the deletion of the full stop at the end thereof and the substitution therefor of the following—

“; and”; and

(b) the insertion, after paragraph (d), of the following new paragraph—

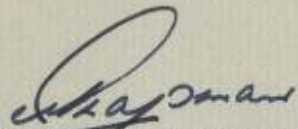
“(e) to seize and detain any document, record or article which appears to him to constitute or contain evidence of the commission of an offence under this Ordinance.”.

8. The marginal note to section 4B of the principal Ordinance is amended by the insertion therein, after the word “in”, of the following—

“and to possess”.

Amendment
of the
marginal note
to section 4B.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 25th day of July, 1962, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

(Secretariat GR52/3231/47)

HONG KONG

No. 24 OF 1962.



I assent.

Governor.

26th July, 1962.

An Ordinance to amend the Dentists Registration Ordinance, 1959.

[27th July, 1962.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Dentists Registration (Amendment) Ordinance, 1962. Short title.

2. Section 4 of the Dentists Registration Ordinance, 1959 (hereinafter referred to as the principal Ordinance) is amended in paragraph (b) of subsection (2) by the insertion after the word "Specialist" of the following— Amendment of section 4. (29 of 1959).

"or, during his absence from the Colony or during his inability for any other reason to act, a government dental specialist appointed by the Director".

Amendment of section 29.

3. Section 29 of the principal Ordinance is amended by the deletion of paragraph (d) and the substitution therefor of the following—

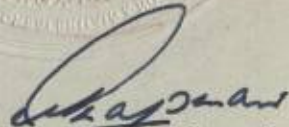
- “(d) fees to be paid in connexion with—
 - (i) admission, re-admission or restoration of names to the register;
 - (ii) examination of candidates;
 - (iii) issue of certificates of registration; and
 - (iv) disciplinary proceedings;”.

Amendment of section 30.

4. Section 30 of the principal Ordinance is amended by the insertion after the word “duties” wherever it appears of the following—

“or while practising dentistry otherwise than for gain in a charitable clinic approved by the Council”.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 25th day of July, 1962, and is found by me to be a true and correctly printed copy of the said Bill.



Deputy Clerk of Councils.

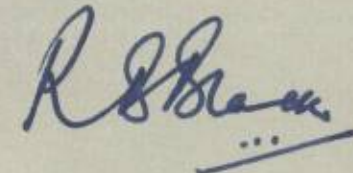
(Secretariat GR37/3231/49)

HONG KONG

No. 25 OF 1962.



I assent.



Governor.

9th August, 1962.

An Ordinance to amend the Maintenance Orders (Facilities for Enforcement) Ordinance, Chapter 15.

[10th August, 1962.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Maintenance Orders Short title. (Facilities for Enforcement) (Amendment) Ordinance, 1962.

2. Section 12 of the Maintenance Orders (Facilities for Enforcement) Ordinance is repealed and replaced by the following— Repeal and replacement of section 12. (Cap. 15).

“Extension of Ordinance to Orders made by courts in other possessions, territories and countries. [cf. 10 & 11 Geo. 5, c. 33, s. 12.]

12. Where the Governor is satisfied that reciprocal provisions have been made by the legislature of any British possession or any territory under Her Majesty's protection or any country for the enforcement within such possession, territory or country of maintenance orders made by courts in Hong Kong, the Governor may by proclamation extend this Ordinance to such possession, territory or country and this Ordinance shall thereupon apply in respect of such possession, territory or country as though the references to

England or Northern Ireland were references to such possession, territory or country and the references to the Secretary of State for the Colonies were references to the Governor of such possession or territory or to the competent authority appointed under the law of such possession, territory or country for the receipt and transmission of maintenance orders.”.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 8th day of August, 1962, and is found by me to be a true and correctly printed copy of the said Bill.

[Signature]
Deputy Clerk of Councils.

(Secretariat GR3/2731/55)

HONG KONG

No. 26 OF 1962.



I assent.

[Signature]

Governor.

9th August, 1962.

An Ordinance to amend the Hawker Control Force Ordinance, 1960.

[10th August, 1962.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Hawker Control Force Short title. (Amendment) Ordinance, 1962.

2. Section 7 of the Hawker Control Force Ordinance, 1960 (hereinafter referred to as the principal Ordinance) is amended in subsection (1) by the insertion, after the words “shall be”, of the following—

“such persons as the Governor may, from time to time, appoint or”.

3. Section 18 of the principal Ordinance is amended by the deletion of subsection (4).

Amendment
of section 7.
(31 of 1960).

Amendment
of section 18.

Repeal and
replacement
of section 19.

4. Section 19 of the principal Ordinance is repealed and replaced by the following—

*Procedure
for dealing
with arrested
persons, etc.

19. (1) Any person (hereinafter referred to as an arrested person) who is arrested under subsection (1) of section 18 by a member of the Force shall forthwith be taken to the nearest police station or to the nearest Force duty room or given into the custody of a police officer.

(2) (a) As soon as practicable after an arrested person is brought to a Force duty room, the case shall be inquired into by a member of the Force authorized in that behalf by the Commandant, who shall, unless he decides to proceed in the manner provided by subsection (3), charge such person with such scheduled offence or offences as he considers proper or, if he does not consider it appropriate to charge such person with any scheduled offence, discharge him forthwith.

(b) An arrested person who has been charged under paragraph (a) with a scheduled offence shall thereupon be served with a notice in the form prescribed in the Third Schedule requiring him to appear before the magistrate's court specified therein on the date and at the time so specified and shall then be released.

(c) A notice served upon an arrested person under paragraph (b) shall also specify the offence or offences with which he has been charged and shall be signed by the member of the Force who inquired into the case.

(d) A copy of every notice served upon an arrested person under paragraph (b) shall be prepared at the time and shall be signed by the member of the Force who signed the notice and produced to the court if it so requires.

(3) The member of the Force who inquires into the case of an arrested person may, in lieu of proceeding in accordance with subsection (2), direct that such person shall be taken forthwith to the nearest police station.

(4) (a) If an arrested person fails to appear before the court in accordance with the notice served upon him under paragraph (b) of subsection (2), the court may, on application by a police officer or by or on behalf of the Commandant and on oath

Third
Schedule.

being made before it substantiating the matter of the application to its satisfaction, issue a warrant for the arrest of such person.

(b) Any such warrant—

(i) shall be in the form prescribed in the Fourth Schedule and shall be under the hand and seal of the magistrate by whom it was issued;

(ii) may be directed to any member of the Force by name or generally to all members of the Force; and

(iii) shall name or otherwise describe the person in respect of whom it was issued.

(c) Any such warrant shall remain in force until it is executed.

(d) Any such warrant may be executed by arresting the person in respect of whom it was issued at any place within the Colony, and, where the warrant is directed to all members of the Force, any member thereof may execute the same in like manner as if it were directed to him by name.

(e) No such warrant shall be avoided by the death of the magistrate who issued the same or by his ceasing to be a magistrate for any other reason.

(f) The person arrested on any such warrant shall be taken forthwith to the nearest police station.

(g) Subsections (2) and (3) of section 18 shall apply to the person to be arrested under any such warrant as they apply to a person to be arrested under subsection (1) of that section.

(5) When a person who has been arrested on a warrant issued under subsection (4) is brought before the court, the court may, at the conclusion of the proceedings in respect of the offence or offences with which he was charged, call upon such person to show cause why he should not be punished in respect of his failure to appear before the court in accordance with the notice served upon him under paragraph (b) of subsection (2) and, if he fails to show any reasonable cause to the satisfaction of the court, such person shall be liable to a fine of five hundred dollars and to imprisonment for two months.

(6) Whenever an arrested person or a person arrested on a warrant issued under subsection (4) is brought to a police station, the provisions of section 47 of the Police

Fourth
Schedule.

(Cap. 232).

Force Ordinance shall apply and whenever an arrested person is given into the custody of a police officer the provisions of sections 46 and 47 of that Ordinance shall apply.”.

Amendment of section 32.

5. Section 32 of the principal Ordinance is amended by the deletion of the brackets and figure “(5)” and the substitution therefor of the following—

“(4)”.

Addition of new sections 32A and 32B.

6. The principal Ordinance is amended by the addition thereto, after section 32, of the following new sections—

“Establishment of Hawker Control Force Welfare Fund.

32A. (1) There is hereby established a fund, which shall be known as the Hawker Control Force Welfare Fund and applied to the following purposes—

- (a) recompensing members of the Force for extra services rendered by them;
- (b) procuring, for serving members of the Force or for members of the Force who have been retired on pension or gratuity, comforts, convenience or other advantages that are not chargeable to the public revenue; and
- (c) granting, at such rates and on such terms as may be prescribed by regulations and on such conditions as the Commandant may impose, loans to serving members of the Force or to members of the Force who have been retired on pension or gratuity.

(2) The Fund shall, subject to this Ordinance and the regulations, be controlled by the Commandant and shall consist of—

- (a) such donations or voluntary contributions as may be made thereto; and
- (b) such sums as may be voted thereto by the Legislative Council.

Regulations.

32B. The Governor in Council may by regulation prescribe or provide for the control and administration of the Hawker Control Force Welfare Fund.”.

Amendment of section 34.

7. Section 34 of the principal Ordinance is amended by the deletion of the comma and word “, the” where they appear after the word “Commandant” and the substitution therefor of the following—

“and to those”.

8. The principal Ordinance is amended by the deletion of the Third and Fourth Schedules thereto and the substitution therefor of the following—

Deletion and replacement of Third and Fourth Schedules.

“THIRD SCHEDULE. [s. 19(2)(b).]

Form of Notice.

HAWKER CONTROL FORCE ORDINANCE, 1960.

Section 19.

TAKE NOTICE THAT YOU, of having been charged with (here insert offence or offences charged), are hereby required to appear before the (here insert name of court) on the day of, 19..... at o'clock in the forenoon.

AND FURTHER TAKE NOTICE that if you fail, without reasonable cause to its satisfaction, to appear before the aforesaid court on the day and at the time herein specified you will be liable to a fine of five hundred dollars and to imprisonment for two months.

Signature of issuing officer.

FOURTH SCHEDULE. [s. 19(4).]

Warrant for arrest.

HONG KONG.

IN THE MAGISTRATE'S COURT AT

To each and all of the members of the Hawker Control Force of the said Colony.

Application having been made this day to me, a magistrate of the said Colony, for the issue of a warrant under section 19 of the Hawker Control Force Ordinance, 1960, for the arrest of on the ground that the said failed to appear before the court on the day and at the time specified in a notice served upon him under the said section 19 of the said Ordinance, and oath (or declaration) having been made before me substantiating the matter in respect of which the application was made:

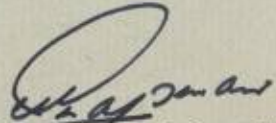
THESE ARE, THEREFORE, to command you in Her Majesty's name, forthwith to apprehend the said

Dated this day of, 19.....

[L. S.]

(Signed) Magistrate. .”.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 8th day of August, 1962, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

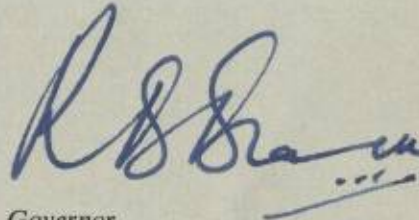
(Secretariat GR17/3231/60)

HONG KONG

No. 27 OF 1962.



I assent.


Governor.

23rd August, 1962.

An Ordinance to amend the Royal Hong Kong Defence Force Ordinance, 1951.

[24th August, 1962.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Royal Hong Kong Defence Force (Amendment) Ordinance, 1962. Short title.
2. Section 2 of the Royal Hong Kong Defence Force Ordinance, 1951 (hereinafter referred to as the principal Ordinance) is amended— Amendment of section 2. (25 of 1951).
 - (a) by the deletion of the definition "Commandant";
 - (b) by the deletion from the definition "Commanding Officer" of the words "one of the units of the Force" and the substitution therefor of the following—

"the Hong Kong Royal Naval Reserve, the Hong Kong Regiment (The Volunteers), the Hong Kong Auxiliary Air Force, the Hong Kong Women's Naval Reserve, the Hong Kong Women's Auxiliary Army Corps or the Hong Kong Women's Auxiliary Air Force as the case may be"; and

(c) by the deletion of the definition "Home Guard" and the substitution therefor of the following—

"Home Guard" means the Home Guard Company of the Hong Kong Regiment;".

Substitution of "Commanding Officer" for "Commandant".

3. The principal Ordinance is amended by the deletion of the word "Commandant" whenever it appears, except in section 29 and section 35, and the substitution therefor of the following—

"Commanding Officer".

Amendment of section 5.

4. Subsection (3) of section 5 of the principal Ordinance is amended—

(a) by the deletion of paragraph (a);

(b) by the deletion of paragraph (c) and the substitution therefor of the following—

"(c) a military unit to be known as the Hong Kong Regiment (The Volunteers) and the officer for the time being discharging the duties of General or other Officer Commanding, Land Forces, Hong Kong shall be the Service Commander thereof; this unit may include a Home Guard Company."; and

(c) by the deletion of paragraph (e).

Repeal of Part III.

5. Part III of the principal Ordinance is repealed.

Amendment of section 24.

6. Section 24 of the principal Ordinance is amended—

(a) in subsection (1) by the deletion of the words and commas ", on the advice of the appropriate Commanding Officer,"; and

(b) in subsection (4) by the deletion from paragraph (c) of the words "who will inform the Commandant".

Amendment of section 26.

7. Section 26 of the principal Ordinance is amended by the deletion of the words "and the Commandant".

Amendment of section 29.

8. Section 29 of the principal Ordinance is amended—

(a) by the deletion of the word "Commandant", in the first place where it occurs, and the substitution therefor of the following—

"the Commanding Officers of the Hong Kong Royal Naval Reserve, the Hong Kong Regiment (The Volunteers) and the Hong Kong Auxiliary Air Force jointly as trustees;";

(b) by the deletion of the word "him" and the substitution therefor of the following—

"them";

(c) by the insertion of a full stop after the word "thereto" and the deletion of the remaining words of the section; and

(d) by the deletion from the marginal note of the words "in Commandant".

9. Section 32 of the Principal Ordinance is amended by the deletion of the words "Commandant's Welfare Fund" and the substitution therefor of the following—

"general revenue".

Amendment of section 32.

10. Section 35 of the principal Ordinance is amended—

Amendment of section 35.

(a) by the deletion of the words "the Commandant" and the substitution therefor of the following—

"each Commanding Officer"; and

(b) by the deletion of the words "the Force", in the first place where they occur, and the substitution therefor of the following—

"his unit".

11. (1) Where, in any regulation made under the principal Ordinance, there is a provision requiring the advice, consent, confirmation, recommendation or approval of the Commandant in any circumstances whatsoever, then, on the commencement of this Ordinance, such provision shall cease to have effect.

Regulations: Provisions with regard to powers, etc. of Commandant.

(2) Where, in any regulations made under the principal Ordinance, there is a provision giving power to the Commandant to do any act or to perform any duty or function, other than those referred to in subsection (1), then, on the commencement of this Ordinance, such power shall be exercised by the Governor.

(3) Where, in any regulations made under the principal Ordinance, there is a provision requiring a Commanding Officer to be responsible to the Commandant for the discharge of any act or duty, then, on the commencement of this Ordinance, such Commanding Officer shall be so responsible to the Governor.

12. The Force Headquarters Regulations are revoked.

Revocation. (Vol. X, p. 433).

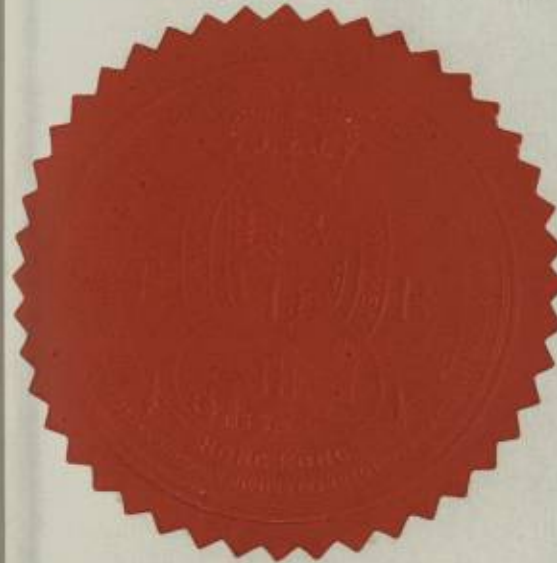
This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 22nd day of August, 1962, and is found by me to be a true and correctly printed copy of the said Bill.

W. A. Chan
Deputy Clerk of Councils.

(Secretariat D/DFIII)

HONG KONG

No. 28 OF 1962.



I assent.

Governor.

23rd August, 1962.

An Ordinance to amend the Jury Ordinance, Chapter 3.

[24th August, 1962.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Jury (Amendment) Short title Ordinance, 1962.
2. Section 2 of the Jury Ordinance (hereinafter referred to as the principal Ordinance) is amended by the deletion therefrom of the definition "list of common jurors". Amendment of section 2. (Cap. 3).
3. Section 5 of the principal Ordinance is amended by— Amendment of section 5.
 - (a) the deletion of the words "not be liable to serve" and the substitution therefor of the following—
"be exempt from service";
 - (b) the deletion of paragraph (k) and the substitution therefor of the following—
"(Cap. 81). (k) pilots licensed under the Pilots Ordinance, and the master and members of the crew of any ship;"

(c) the deletion, in paragraph (q), of the full stop and the substitution therefor of the following—

“; and”; and

(d) the insertion, after paragraph (q), of the following new paragraph—

“(r) commissioners, trade commissioners and trade officers of any Commonwealth Government, and members of the staff of any such commissioner, trade commissioner or trade officer who are in the full time employment of a Commonwealth Government and who are not domiciled in Hong Kong, and the spouses and dependent children of any such person.”.

Amendment
of section 8.

4. Section 8 of the principal Ordinance is amended by—

(a) the deletion of subsection (1) and the substitution therefor of the following—

“(1) As soon as it appears to the Commissioner that any person is—

- (a) qualified to serve as a juror under section 4; and
- (b) not exempt from service as a juror under section 5,

Schedule. he shall cause to be served on such person a notice in the form of Form 2 in the Schedule.”;

(b) the deletion of subsection (2) and the substitution therefor of the following—

“(2) If any person upon whom a notice has been served in accordance with subsection (1) considers that he—

- (a) does not qualify to serve as a juror under section 4; or
- (b) is exempt from service as a juror under section 5,

he shall within fourteen days after service upon him of such notice, notify the Commissioner in writing to that effect stating the grounds upon which he claims exemption.”; and

(c) the deletion from paragraph (a) of subsection (3) of the word “therefrom” and the substitution therefor of the following—

“from the register of electors”.

Amendment
of the
Schedule.

5. The Schedule to the principal Ordinance is amended by the deletion of Form 2 and the substitution therefor of the following—

“FORM 2.

[s. 8.]

JURY ORDINANCE, CHAPTER 3.

NOTICE.

Jury Service.

To
of
Identity Card No.

1. Whereas it appears to me that you are a person—
 - (a) qualified to serve as a juror under section 4; and
 - (b) not exempt from service as a juror under section 5,

you are hereby notified that your name will be added to the list of jurors unless, within 14 days after the receipt of this notice, you notify me in writing that you claim exemption from jury service on either of the following grounds—

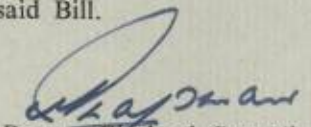
- (a) that you do not qualify to serve as a juror under section 4 of the Jury Ordinance; and
- (b) that you are exempt from service as a juror under section 5 of the Jury Ordinance.

2. A copy of sections 4 and 5 of the Jury Ordinance is attached hereto for your information.

Dated this day of , 19 .

Commissioner of Registration.”.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 22nd day of August, 1962, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

(Secretariat GR3309/45V)

HONG KONG

No. 29 OF 1962.



I assent.

Governor.

23rd August, 1962.

An Ordinance to amend the Small Tenements Recovery Ordinance,
Chapter 17.

[24th August, 1962.]

BE it enacted by the Governor of Hong Kong, with the advice and
consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Small Tenements Short title.
Recovery (Amendment) Ordinance, 1962.

2. Section 5 of the Small Tenements Recovery Ordinance (herein- Amendment
after referred to as the principal Ordinance) is amended by the deletion of section 5.
of the words "police officer" and the substitution therefor of the (Cap. 17).
following—

"bailiff of the Supreme Court or the District Court".

3. Section 9 of the principal Ordinance, and the marginal note Amendment
to that section, is amended by the deletion of the words "police officer" of section 9.
and the substitution therefor of the following—

"bailiff".

Addition of
new section
9A.

4. The principal Ordinance is amended by the addition, after section 9, of the following new section—

"Recovery
of bailiff's
expenses.

9A. The expenses incurred by a bailiff in the execution of any such warrant as aforesaid may be recovered from the complainant."

Amendment
of Schedule.

5. Form 3 in the Schedule to the principal Ordinance is amended by the deletion from the heading thereto of the words "police officers of the said Colony" and the substitution therefor of the following—

"bailiffs of the Supreme Court and the District Court".

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 22nd day of August, 1962, and is found by me to be a true and correctly printed copy of the said Bill.

[Signature]
Deputy Clerk of Councils.

(Secretariat BL1/741/62)

HONG KONG

No. 30 OF 1962.



I assent.

[Signature]

Governor.

12th September, 1962.

An Ordinance to authorize a supplementary appropriation to defray the charges of the financial year ended the 31st day of March, 1962.

[14th September, 1962.]

WHEREAS it has become necessary to make further provision for the public service of the Colony for the financial year ended the 31st day of March, 1962, in addition to the charge upon the revenue and other funds of the Colony authorized by the Appropriation (1961-62) Ordinance, 1961:


NOW, THEREFORE, BE IT ENACTED by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Supplementary Appropriation (1961-62) Ordinance, 1962. Short title.

2. A sum of three million, five hundred and sixty-seven thousand, six hundred and twenty-seven dollars is hereby charged upon the revenue and other funds of the Colony for the service of the financial year ended the 31st day of March, 1962, the appropriation of the sum so charged being approved as specified in the Schedule. Appropriation from general revenue and other funds. Schedule.

SCHEDULE.		[s. 2.]
<i>Number of vote.</i>	<i>Head of Expenditure.</i>	<i>Amount of vote.</i>
		\$
37.	Defence: Miscellaneous Measures	1,193,286
59.	Public Enquiry Service	24,159
72.	Stores Department	2,165,901
76.	Subventions: Miscellaneous	184,281
	TOTAL	\$3,567,627

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 12th day of September, 1962, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

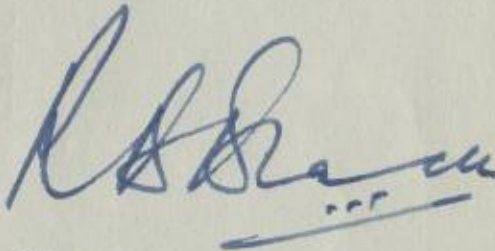
(Secretariat FIN1/2311/61)

HONG KONG

No. 31 OF 1962.



I assent.



Governor.

12th September, 1962.

An Ordinance further to amend the District Court Ordinance, 1953.

[14th September, 1962.]

BE it enacted by the Governor of Hong Kong with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the District Court (Amendment) (No. 2) Ordinance, 1962. Short title.

2. The District Court Ordinance, 1953 is amended by the addition, after section 32, of the following new section— Addition of new section 32A.

"Appeal by way of case stated.

32A. An appeal shall lie at the suit of the Attorney General to the Full Court against a verdict or order of acquittal, which shall include any order quashing or dismissing a charge for any alleged defect therein or want of jurisdiction. Such an appeal shall relate to matters of law only and the following procedure shall apply thereto— (1 of 1953).

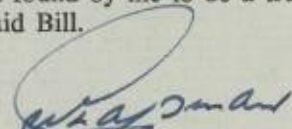
(a) within seven clear days after the reasons for a verdict have been recorded or after the order of acquittal, or within such further period as a Judge

of the Supreme Court may, whether before or after the expiration of such period, allow, an application may be made in writing to the District Judge to state a case setting forth the facts and the grounds on which the verdict or order was arrived at or made and the grounds on which the proceeding is questioned for the opinion of the Full Court; and the provisions of sections 104 to 107 inclusive of the Magistrates Ordinance shall apply, *mutatis mutandis*, to the preparation, amendment and setting down of such case stated:

(Cap. 227).

- (b) following such application a Judge of the Supreme Court may, on application being made to him in Chambers, issue a warrant addressed to police officers directing that the respondent be arrested and brought before him, and may commit the respondent to prison pending the disposal of the appeal or admit him to bail:
- (c) at the hearing of the appeal, whether or not the respondent appears, the Full Court shall—
- (i) if it is satisfied that there is no sufficient ground for interfering, dismiss the appeal; or
 - (ii) reverse the verdict or order and direct that the trial be resumed or that the accused be retried as the case may be, or find him guilty, record a conviction and pass such sentence on him as might have been passed on him by a District Judge; and
 - (iii) give all such necessary and consequential directions as it shall think fit.”.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 12th day of September, 1962, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

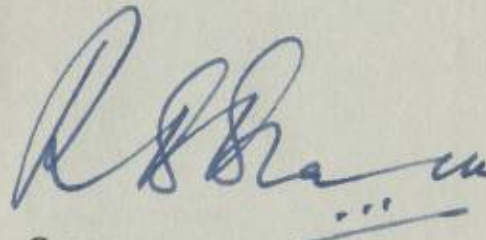
(Secretariat GR20/3231/52)

HONG KONG

NO. 32 OF 1962.



I assent.


Governor.

12th September, 1962.

An Ordinance to amend the Gambling Ordinance, Chapter 148.

[14th September, 1962.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Gambling (Amendment) Ordinance, 1962. Short title.

2. The Gambling Ordinance is amended by the addition, after section 9, of the following new section— Addition of new section. (Cap. 148).

“Provision of amusements with prizes at certain commercial entertainments.

8 & 9 Eliz. 2, c. 60, s. 24. (Cap. 172).

9A. (1) The provisions of this section shall have effect for the purpose of permitting the provision of amusements with prizes on any premises licensed as a place of public entertainment under section 3 of the Places of Public Entertainment Ordinance in respect of which a permit for the provision thereon of such amusements has been granted by the Commissioner of Police under this subsection and both licence and permit are for the time being in force. The granting or refusal of any permit shall be in the sole discretion of the Commissioner of Police and any permit

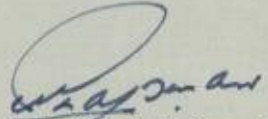
granted may be valid for such period and may be subject to any conditions which the Commissioner of Police may see fit to impose, which conditions may be amended during the period of validity of the permit in respect of which they were imposed. Upon a breach of any condition of a permit, the Commissioner of Police may revoke the permit.

(2) Nothing in this Ordinance shall apply in relation to amusements with prizes provided on such premises as are mentioned in subsection (1) but, in relation to any such amusement to which any of the said provisions would apply but for this subsection, the conditions set out in subsection (3) shall be observed, and if any of those conditions is contravened every person concerned in the provision or conduct of that amusement shall be guilty of an offence and upon summary conviction shall be liable to a fine of five hundred dollars and to imprisonment for three months unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it. Where there has been a conviction under this subsection, the Commissioner of Police may revoke the permit granted under subsection (1) under which the amusement in respect of which there was a contravention of the conditions set out in subsection (3) was provided.

- (3) The conditions referred to in subsection (2) are—
- (a) that the amount paid by any person for any one chance to win a prize does not exceed ten cents;
 - (b) that the aggregate amount taken by way of the sale of chances in any one determination of winners, if any, of prizes does not exceed five dollars, and that the sale of those chances and the declaration of the result take place on the same day and on the premises on which, and during the time when, the amusement is provided;
 - (c) that no money prize is distributed or offered;
 - (d) that no prize in the form of money's worth is distributed or offered which exceeds the value of one dollar;
 - (e) that the winning of, or the purchase of a chance to win, a prize does not entitle any person, whether or not subject to a further payment by him, to any further opportunity to win money or money's worth by taking part in any amusement with prizes or in any gaming or lottery;

- (f) that the opportunity to win prizes at amusements to which this subsection applies is not the only, or the only substantial, inducement to persons to attend the premises.”.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 12th day of September, 1962, and is found by me to be a true and correctly printed copy of the said Bill.

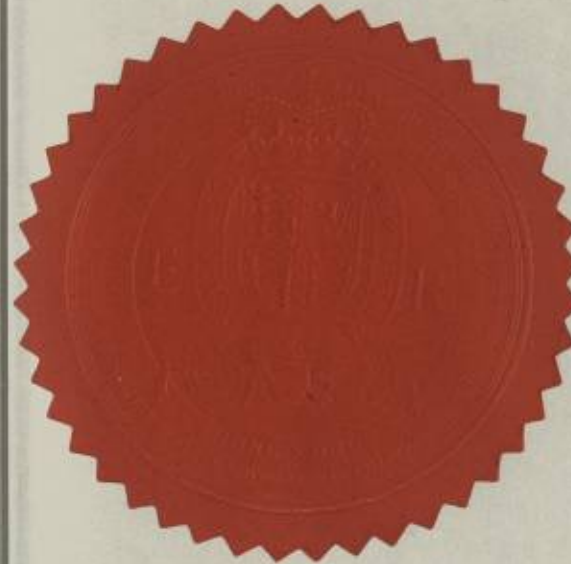


Deputy Clerk of Councils.

(Secretariat GR46/3231/50)

HONG KONG

No. 33 OF 1962.



I assent.

Governor.

11th October, 1962.

An Ordinance to make provision for the winding-up of the Grant Schools Building Depreciation Fund and for matters connected therewith.

[1st April, 1960.]

WHEREAS—

Preamble.

- (a) provision for the management of the Grant Schools Building Depreciation Fund was made by section 45 of the Education Ordinance, 1952, and the Grant Schools Building Depreciation Fund Rules, 1952;
- (b) in view of the increased assistance given by the Government for the rebuilding of grant schools, it is considered unnecessary to continue such fund; and
- (c) it is considered expedient to vest the total sum standing to the credit of the fund on the 1st day of April, 1960 and all interest accruing thereon since that date in the general revenue of the Colony subject to the obligations hereinafter contained:

NOW THEREFORE BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows—

Short title and commencement.

1. This Ordinance may be cited as the Grant Schools Building Depreciation Fund (Winding Up) Ordinance, 1962, and shall be deemed to have had effect as from the 1st day of April, 1960.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—
“Director” means the Director of Education;

(33 of 1952, 1958 Reprint, and Fourth Schedule).

“fund” means the Grant Schools Building Depreciation Fund provided for by section 45 of the Education Ordinance, 1952 and the Grant Schools Building Depreciation Fund Rules, 1952.

“grant school” means a school which receives grants in accordance with the terms of the code, known as the Grant Code, under the terms of which Government gives grants in aid to certain schools.

Vesting.

3. The fund is dissolved and all the assets of the fund are vested in and transferred to the general revenue of the Colony.

Reimbursement Schedule.

4. (1) Notwithstanding the provisions of section 3, the persons listed in the first column of the Schedule shall be entitled to reimbursement out of the general revenue of the Colony of expenditure on building works as is hereinafter provided.

(2) Such reimbursement may be made only upon production to the Director, by a person listed in the first column of the Schedule, within ten years after the date of enactment of this Ordinance, of evidence to his satisfaction that—

- (a) the money in respect of which reimbursement is claimed was expended after the date of enactment of this Ordinance in building works previously approved of by him or on his behalf for the replacement of a school building described in the fourth column of the Schedule, opposite the name of such person;
- (b) immediately before its replacement the building which was replaced was being used, wholly or substantially, as a grant school;
- (c) the new building so erected is intended to be and will be used as a grant school as aforesaid.

(3) Such reimbursement shall not exceed the amount shown in the fifth column of the Schedule, opposite the name of the school building in respect of the replacement of which reimbursement is claimed.

Transitional.

5. (1) Every sum paid out of the fund between the commencement of this Ordinance and the date of its enactment shall be deemed to have been paid out of the general revenue of the Colony in accordance with the provisions of section 4, notwithstanding that such sums are not listed in the Schedule.

(2) All dividends and interest on and other accretions accruing to the assets of the fund after the commencement of this Ordinance are vested in and transferred to the general revenue of the Colony.

6. Section 45 of the Education Ordinance, 1952 and the Grant Schools Building Depreciation Fund Rules, 1952 are repealed.

Repeal.
(33 of 1952, 1958 Reprint, and Fourth Schedule).

SCHEDULE.

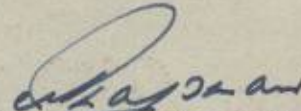
[section 4.]

Registered Owner	School	Lot No.	Description of Building	Amount
The Chairman of the Committee of the Diocesan School and Orphanage.	Diocesan Boys' School	K.I.L. 1588 R.P.	(a) Original Building (1929)	\$ 87,472.00
			(b) New Block of Buildings (1952)	26,994.00
			(c) New Science Wing (1956)	9,637.00
	Diocesan Girls' School	K.I.L. 1281 and K.I.L. 6329	(a) 1941 Extension to 1913 Building	\$ 35,609.00
			(b) New Wing (1950)	28,297.00
	The Church Missionary Trust Association Limited.	Heep Yunn School	K.I.L. 3394	(a) Main Building (1937)
(b) Gymnasium (1949)				16,252.00
St. Stephen's Girls' School		K.I.L. 6272	(c) Dining Room (1951)	7,642.00
			(d) Junior House (1954)	6,422.00
St. Paul's College	I.L. 2440 R.P.	I.L. 2440 R.P.	(a) 1922 Building and 1925 Annexe	\$ 80,027.00
			(b) Junior School Building (1949)	26,546.00
	I.L. 7207	I.L. 7207	(c) Addition to Junior School (1954)	5,706.00
			(d) Gymnasium and Science Block (1958)	3,486.00
	Wong Min Him Hall (1953)	\$ 6,635.00		

Registered Owner	School	Lot No.	Description of Building	Amount
The Church Body of the Chinese Anglican Church in Hong Kong.	St. Paul's Co-educational College	I.L. 2459	No. 33, Macdonnell Road	\$ 98,211.00
	St. Mark's School	I.L. 613 and Extension	New School Building (1956)	\$ 6,732.00
The Mother Superior of the Soeurs De Saint Paul de Chartres (Hong Kong).	St. Paul's Convent School	I.L. 2146	(a) Causeway Bay Building (reconstructed in 1926)	\$ 66,415.00
		I.L. 1698 R.P.	(b) Happy Valley Building (1906)	31,694.00
		I.L. 1018	(c) New Building (1951)	139,441.00
The Director in Hong Kong of St. Joseph's College.	St. Joseph's College	I.L. 1506	(a) South Building (before 1910)	\$ 39.00
		I.L. 1642 R.P.	(b) West Building (1913)	6,556.00
			(c) North Building (1921)	30,604.00
	La Salle College	N.K.I.L. 1127	Main College Building (1932)	\$ 214,038.00
The Regional Superior in Hong Kong of the Foreign Mission Sisters of Saint Dominic.	Maryknoll Sisters' School	I.L. 6874	123, Blue Pool Road (1958)	\$ 11,007.00
	Maryknoll Convent School	N.K.I.L. 1419	Main Building (1937)	\$ 142,081.00
The Mother Superioress of the Daughters of Charity of the Canossian Institute (Hong Kong).	Sacred Heart Canossian College	I.L. 58 R.P., I.L. 148 R.P., I.L. 149 and I.L. 578	"1910" Building	\$ 83,744.00
	St. Francis' Canossian College	I.L. 1677 and Extension	(a) New Building (First Stage—1955) (b) Second Stage Building Extension (1958)	\$ 12,483.00 4,276.00

Registered Owner	School	Lot No.	Description of Building	Amount
	St. Mary's Canossian College	K.I.L. 617 and Extension	(a) Main School Building (1932 and 1936)	\$ 62,356.00
			(b) Junior School (1933)	11,393.00
		K.I.L. 617 and Extension	(c) New Building (1953)	28,500.00
			(d) New Building Extension (1954)	27,262.00
		K.I.L. 1154 Sec. A and K.I.L. 1425 R.P.	(e) Biology Laboratory (1954)	2,020.00
			(f) Physics Laboratory (1957)	1,454.00
The Procurator in Hong Kong of the English Assistancy of the Jesuit Order.	Wah Yan College, Hong Kong	I.L. 6935	Mount Parish (1955)	\$ 36,281.00
	Wah Yan College, Kowloon	K.I.L. 6059	(a) New Building at Waterloo Road (1952)	\$ 111,080.00
	(b) New School Hall (1955)		16,030.00	
The Church Body of The China Congregational Church in Hong Kong.	Ying Wa College	K.I.L. 1784	Bute Street, Mong Kok (1928)	\$ 21.00
The Senior Missionary in Hong Kong of the London Missionary Society. Eliza Stewart and Robert McLean Gibson (Trustees for a School).	Ying Wa Girls' School	I.L. 590 Sec. E and R.P., I.L. 590 Sec. B	(a) Main Building (1927)	\$ 18,611.00
			(b) New Wing (1953)	16,223.00
Methodist Missionary Trust Association.	Methodist College	K.I.L. 7068	College Building at Gascoigne Road (1958)	\$ 2,407.00
Grand Total:				<u>\$1,563,939.00</u>

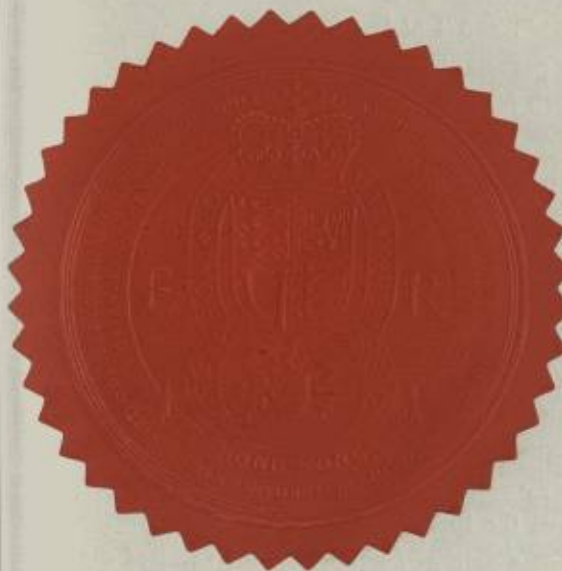
This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 10th day of October, 1962, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

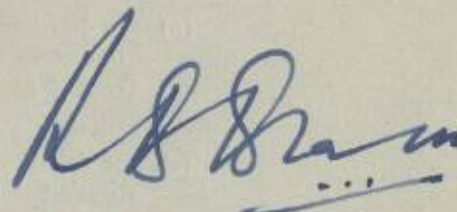
(Secretariat GR9/1936/47)

HONG KONG

No. 34 OF 1962.



I assent.



Governor.

11th October, 1962.

An Ordinance to amend the Marine Fish (Marketing) Ordinance, 1956.

[12th October, 1962.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Marine Fish (Marketing) Short title. (Amendment) Ordinance, 1962.
2. Section 2 of the Marine Fish (Marketing) Ordinance, 1956 Amendment of section 2. (hereinafter referred to as the principal Ordinance) is amended by the deletion from the definition "market" of the words "established under section 11" and the substitution therefor of the following— (28 of 1956).
"conducted by the Organization".
3. Section 3 of the principal Ordinance is amended by the deletion Amendment of section 3. from subsection (1) of the words "markets established under this Ordinance" and the substitution therefor of the following—
"a market or otherwise than by way of re-sale following a sale at a market".

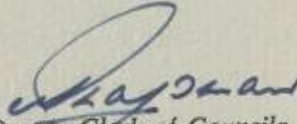
Amendment
of section 13.

4. Section 13 of the principal Ordinance is amended by—
- (a) the deletion, at the end thereof, of the fullstop and the substitution therefor of the following—
“; and”; and
- (b) the insertion, after paragraph (f), of the following—
“(g) charge such fee or commission as it thinks fit for any service provided by the Organization.”.

Amendment
of section 15.

5. Section 15 of the principal Ordinance is amended by—
- (a) the deletion from paragraph (b) of subsection (1) of the words “established under section 11” and the substitution therefor of the following—
“conducted by the Organization”;
- (b) the deletion from paragraph (c) of subsection (1) of the words “failing to comply with such conditions” and the substitution therefor of the following—
“entered thereon”; and
- (c) the deletion from subsection (1) of paragraph (f) and the substitution therefor of the following—
“(f) prescribing a rate of commission for sales of marine fish by the Organization; and”.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 10th day of October, 1962, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

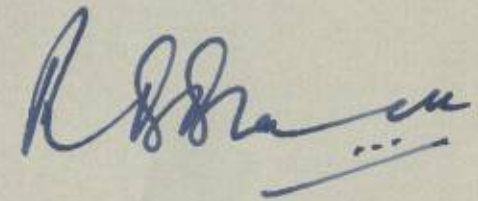
(Secretariat FIN70/3231/47)

HONG KONG

No. 35 OF 1962.



I assent.



Governor.

11th October, 1962.

An Ordinance to amend the Agricultural Products (Marketing) Ordinance, 1952.

[12th October, 1962.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Agricultural Products (Marketing) (Amendment) Ordinance, 1962. Short title.

2. Subsection (4) of section 4 of the Agricultural Products (Marketing) Ordinance, 1952 (hereinafter referred to as the principal Ordinance) is amended by the deletion of the words “ensure for” and the substitution therefor of the following—
“enure to”. Amendment of section 4. (11 of 1952).

3. Section 6 of the principal Ordinance is amended—

(a) in subsection (2), by the deletion of the word “four” and the substitution therefor of the following—

“not more than six”; and

Amendment
of section 6.

(b) in subsection (4), by the deletion of the full stop at the end and the substitution therefor of the following—

“and may be re-appointed from time to time at the pleasure of the Governor.”.

Repeal and replacement of section 7.

4. Section 7 of the principal Ordinance is repealed and replaced by the following sections—

“Borrowing powers.

7. With the consent of the Governor in Council, the Director may, for any of the purposes of this Ordinance, borrow money in such manner and upon such security as he may consider expedient.

Financial control and investments.

7A. (1) The Director shall prepare and submit annually to the Governor for his approval estimates of income and expenditure in respect of the next succeeding year and shall not, except with the prior approval of the Governor, incur any expenditure in excess of that specified in the estimates as approved by the Governor:

Provided that nothing in this subsection shall be construed to prevent the Director from incurring and making provision for reasonable day to day expenses pending the approval of the annual estimates.

(2) All moneys received, including any moneys borrowed, by the Director shall be brought to account and shall be administered by the Director for the purposes of this Ordinance, and any moneys so brought to account may be invested by him in such securities or deposited in such manner in the Colony as the Financial Secretary may from time to time approve for that purpose.

Accounts.

7B. (1) The Director shall cause proper accounts to be kept of all transactions and shall cause to be prepared for every period of twelve months ending the 31st day of March in each year a statement of the accounts of the fund, which statement shall include an income and expenditure account and balance sheet and shall be signed by the Director.

(2) The accounts and the signed statement of the accounts shall be audited by an auditor, appointed from time to time by the Governor, who shall certify the statement subject to such report, if any, as he may think fit.

(3) A copy of the signed and audited statement of accounts together with the auditor's report, if any, and a report by the Director on the administration of the fund during the period covered by the audited accounts shall be

laid upon the table of the Legislative Council not later than the 30th day of September next following the end of such period or so soon thereafter as the Governor, in his absolute discretion, may allow.”.

5. Subsection (1) of section 8 of the principal Ordinance is amended— Amendment of section 8.

(a) in paragraph (b), by the insertion after the words “and regulate the conduct of markets” of the following—

“and collecting centres”;

(b) in paragraph (f), by the insertion after the words “social welfare” of the following—

“and education”; and

(c) in paragraph (i), by the insertion after the words “in connexion with the issue of any licence” of the following—

“or permit”.

6. Sections 9 and 10 of the principal Ordinance are repealed and replaced by the following— Repeal and replacement of sections 9 and 10.

“Powers of search, seizure and arrest.

9. (1) The Director, the Marketing Officer, any police officer or any public officer authorized in writing by the Director in that behalf, either generally or in any particular case, may, without warrant, if he has reason to believe that any offence against this Ordinance has been committed—

(a) stop, board and search any vessel or vehicle which he has reason to believe was or is being used in connexion with the commission of such offence;

(b) seize and retain any regulated product (and any container thereof) in respect of which he has reason to believe such offence has been committed, and may for the purpose of effecting such seizure require the person for the time being in charge of the vessel or vehicle, if any, in or on which such product is being transported to take the same to such port, market or police station as may in the circumstances be expedient and may there detain such vessel or vehicle until such time as he is able to cause the articles seized to be transferred therefrom;

(c) arrest and forthwith take or cause to be taken to a police station any person whom he has reason to believe to have committed such offence.

(2) Whenever the seizure of any regulated product is lawful under this Ordinance, it shall be lawful to seize and retain any book or document which appears to contain evidence relating to such product.

(3) Any person who resists or obstructs any person in the exercise of any of the powers conferred by this section shall be guilty of an offence and shall be liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months.

(4) A notification of any authorization made under subsection (1) shall be published in the *Gazette*.

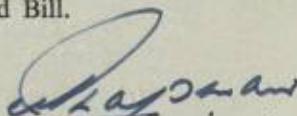
Sale and
forfeiture of
goods
seized.

10. (1) Where a magistrate is satisfied that an offence against this Ordinance has been committed in respect of any regulated product seized under section 9, whether or not any person has been convicted in respect of such offence, the magistrate may, upon application by the Director, order such product, together with any containers seized therewith, to be forfeited to the Crown.

(2) Notwithstanding anything contained in subsection (1), where any regulated product seized under section 9 is of a perishable nature, the Director may cause such product to be disposed of prior to application being made under subsection (1) for forfeiture thereof, and if in any such case the magistrate who hears the application for forfeiture is not satisfied that an offence against this Ordinance has been committed in respect of the regulated product, he shall order the proceeds, if any, arising out of the disposal thereof to be paid to such person as in his opinion is the owner of the product.

(3) Nothing in this section shall be construed to prevent the Director, in his discretion, releasing any regulated product or any container thereof seized under section 9 to any person appearing to him to be the owner thereof before an order for forfeiture is made, in which case no order for the forfeiture thereof shall be made."

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 10th day of October, 1962, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

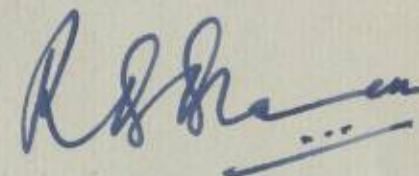
(Secretariat FIN17/3231/49)

HONG KONG

No. 36 OF 1962.



I assent.



Governor.

11th October, 1962.

An Ordinance to amend the Tenancy (Notice of Termination) Ordinance, 1962.

[12th October, 1962.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Tenancy (Notice of Termination) (Amendment) Ordinance, 1962. Short title.

2. The Tenancy (Notice of Termination) Ordinance, 1962, (hereinafter referred to as the principal Ordinance) is amended by the addition, after section 3, of the following new section— Addition of new section 3A. (14 of 1962).

"Notice of termination extended.

3A. (1) Notice of termination given by a landlord under section 3 on or after the 14th day of April, 1962, and prior to the 31st day of December, 1962, shall take effect on the 30th day of June, 1963 or on such later date as may be specified in the notice of termination.

(2) This section is without prejudice to the operation of sections 4, 5 and 6."

Addition
of new
section 7.

3. The principal Ordinance is amended by the addition, after section 6, of the following new section—

"Notice to
quit for
redevelop-
ment.

7. (1) Notwithstanding the provisions of this Ordinance where a notice to quit contains a statement of the intention of the landlord to rebuild the premises to which such notice relates it may give such period of notice as could have been given but for the enactment of this Ordinance.


(2) Where a notice to quit is served under subsection (1) and in addition is posted on three successive days, together with a copy in Chinese, upon the main door or entrance of the premises affected, such notice to quit shall take effect also on any sub-tenancy created under the tenancy to which it relates.

(3) Where the landlord has served notice to quit under subsection (1) he may apply to the District Court for an order for possession of the premises comprised in the tenancy and in any sub-tenancies affected under subsection (2) to take effect on the expiry of such notice. The Court may make such order where it is satisfied that the landlord intends to rebuild and is capable of so doing.

(4) Where a tenancy is terminated under this section and the premises are subsequently let, no rent shall be recoverable in respect of the tenancy then created in excess of the rent being paid when the notice to quit was served.

(5) A notice to quit may be served and take effect under this section notwithstanding that a notice of termination has previously been served and continues in existence."

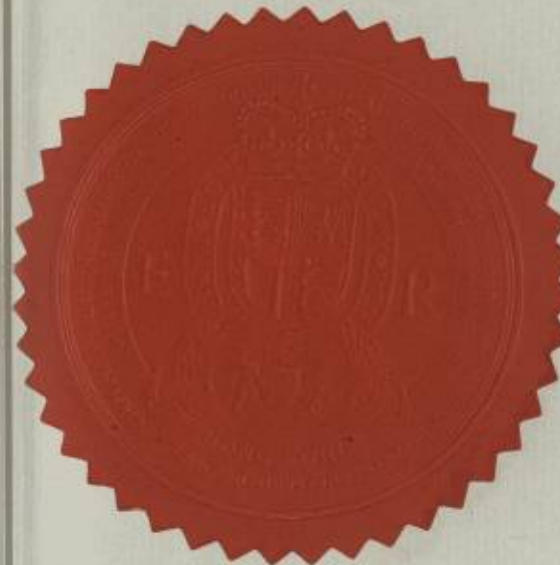
This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 10th day of October, 1962, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

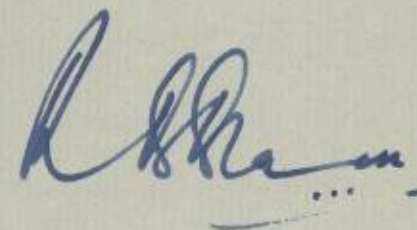
(Secretariat CR13/581/62)

HONG KONG

No. 37 OF 1962.



I assent.



Governor.

11th October, 1962.

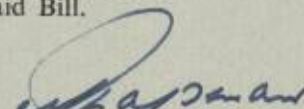
An Ordinance to amend the Post Secondary Colleges Ordinance, 1960.

[12th October, 1962.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Post Secondary Colleges Short title. (Amendment) Ordinance, 1962.
2. Section 4 of the Post Secondary Colleges Ordinance, 1960, is amended by the deletion in paragraph (b) of the comma where it occurs the second time and all words and symbols thereafter and the substitution thereof of a semi-colon. Amendment
of section 4.
(15 of 1960).

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 10th day of October, 1962, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

(Secretariat CR4/3231/59)

(3) Subsection (7) of section 49 shall not come into operation until the day appointed for its commencement by the Governor by Proclamation in the *Gazette*.

PART I.

INTERPRETATION AND APPLICATION.

Interpreta-
tion.

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

“accident” means an explosion of a boiler or pressure receiver and also means any damage or other occurrence to or in a boiler or pressure receiver or any part of a boiler or pressure receiver that weakens the boiler or pressure receiver and renders it liable to explode or collapse or is calculated to weaken it and render it liable to explode or collapse;

“air receiver” means—

- (a) any vessel (other than a pipe or coil, or an accessory fitting or part of a compressor) for containing compressed air and which is connected with an air compressing plant;
- (b) any fixed vessel for containing compressed air or compressed exhaust gases that is used for the purpose of starting an internal combustion engine;
- (c) any fixed or portable vessel (not being part of a spraying pistol) used for the purpose of spraying, by means of compressed air, any paint, varnish, lacquer or similar material; and
- (d) any pressure vessel;

“air receiver inspector” means a person who has been appointed under paragraph (c) of subsection (1) of section 4 to be an air receiver inspector and whose appointment to be an air receiver inspector has not been suspended;

“appointed examiner” means—

- (a) in the case of a boiler or pressure receiver, other than an air receiver, and its auxiliary equipment, a boiler inspector;
- (b) in the case of an air receiver, other than a pressure vessel, and its auxiliary equipment, a boiler inspector or an air receiver inspector;
- (c) in the case of a pressure vessel, a boiler inspector, an air receiver inspector or a pressure vessel inspector;

“auxiliary equipment” means every pipe, fitting and attachment connected to or with a boiler or pressure receiver, as the case may be, and, in the case of a boiler, also means any fuel burning installation connected therewith;

“Board of Inquiry” means a Board of Inquiry appointed under section 8;

“boiler” means any closed vessel in which for any purpose steam is generated under pressure greater than atmospheric pressure and also means any economizer used to heat water being fed into any such vessel, any superheater used for heating steam and any fitting directly attached to such vessel that is wholly or partly under pressure when steam is shut off;

“boiler inspector” means a person who has been appointed under paragraph (c) of subsection (1) of section 4 to be a boiler inspector and whose appointment to be a boiler inspector has not been suspended;

“certificate of competency” means a certificate of competency issued under section 6;

“certificate of fitness” means a certificate of fitness issued under section 33;

“certificate of inspection during construction” means a certificate issued by an appointed examiner in respect of a boiler or pressure receiver certifying that the boiler or pressure receiver and, if such be the case, its auxiliary equipment was inspected during its construction by an appointed examiner;

“Commissioner of Labour” includes the Deputy Commissioner of Labour, an assistant commissioner of labour and any labour officer;

“competent person” means a person whose name is for the time being entered in the register of competent persons kept pursuant to paragraph (e) of subsection (1) of section 7;

“existing”, when used in relation to a boiler, a pressure receiver, other than a pressure vessel, or a steam container, means a boiler, pressure receiver or steam container that is in use in the Colony at the commencement of this Ordinance;

"existing", when used in relation to a pressure vessel, means a pressure vessel that is in use in the Colony at the commencement of the day appointed by the Governor under subsection (2) of section 1;

"fuel burning installation" means any oil, or other liquid, or gas fuel burning installation by means of which heat is applied to a boiler for the purpose of generating steam therein;

(34 of 1955). "labour inspector" means any person appointed under section 3 of the Factories and Industrial Undertakings Ordinance, 1955, as Chief Labour Inspector, a senior labour inspector or a labour inspector;

"labour officer" means any person appointed under section 3 of the Factories and Industrial Undertakings Ordinance, 1955, as a labour officer, assistant labour officer or a Labour Officer (Industrial Undertakings);

(Cap. 87). "legal officer" has the meaning that it has for the purposes of the Legal Officers Ordinance;

"maker's certificate" means a certificate issued by the manufacturer of a boiler, pressure receiver or steam container certifying that he has constructed the boiler, pressure receiver or steam container, as the case may be, and that the particulars stated in the certificate relate to such boiler, pressure receiver or steam container;

"new", when used in relation to a boiler, a pressure receiver, other than a pressure vessel, a steam container or a fuel burning installation, means a boiler, pressure receiver, steam container or fuel burning installation that is first put into use in the Colony after the commencement of this Ordinance;

"new", when used in relation to a pressure vessel, means a pressure vessel that is first put into use in the Colony after the commencement of the day appointed by the Governor under subsection (2) of section 1;

"owner", in relation to a boiler or pressure receiver, includes any person who is in possession of the boiler or pressure receiver under an agreement of hire purchase or under a contract between a supplier of boilers or pressure receivers, or the agent of any such supplier, and such person for the sale of the boiler or pressure receiver, notwithstanding that the property in the boiler or pressure receiver has not passed to such person, and, where the owner of a boiler or

pressure receiver cannot be found or ascertained or is absent from the Colony or is under disability, also includes the agent of the owner;

"portable gas generator" means a vessel, not being part of a fixed installation, within which acetylene gas is generated by the admixture of calcium carbide and water;

"pressure receiver" means a steam receiver, an air receiver and a portable gas generator;

"pressure vessel" means a vessel in which liquid fuel is stored and from which it is forced by compressed air;

"pressure vessel inspector" means a person who has been appointed under section 5 to be a pressure vessel inspector and whose appointment to be a pressure vessel inspector has not been suspended;

"Principal Surveyor" means the Principal Surveyor of Boilers and Pressure Receivers appointed under paragraph (b) of subsection (1) of section 4;

"recognized" means recognized by the Registrar;

"registered", when used in relation to a boiler, a pressure receiver, other than a pressure vessel, or a steam container, means a boiler, pressure receiver or steam container that is entered in the register of boilers and pressure receivers kept pursuant to paragraph (a) of subsection (1) of section 7;

"registered", when used in relation to a pressure vessel, means a pressure vessel that is entered in the register of pressure vessels kept pursuant to paragraph (b) of subsection (1) of section 7;

"Registrar" means the Registrar of Boilers and Pressure Receivers appointed under paragraph (a) of subsection (1) of section 4;

"repairs" includes renewals, alterations or additions;

"steam container" means any vessel or apparatus (other than a steam pipe or coil) constructed with a permanent outlet into the atmosphere or into a space where the pressure does not exceed atmospheric pressure, and through which steam is passed at atmospheric pressure or at approximately that pressure for the purpose of heating, boiling, drying, evaporating or other similar purpose;

"steam receiver" means any vessel or apparatus (other than a boiler, a steam container, a steam pipe or coil, or a part of a prime mover) used for containing steam under pressure greater than atmospheric pressure.

(2) For the purposes of this Ordinance, the expression "extensive repairs" means any repairs that affect or may affect the structure of the boiler or pressure receiver, as the case may be, in respect of which they

have been carried out, but, save where the same are occasioned by an explosion in the boiler or pressure receiver, does not include repairs that consist of the renewal of a part of a boiler or pressure receiver where—

- (a) the part or fitting used in the renewal is a part or fitting that—
 - (i) was manufactured by the person who manufactured the boiler or pressure receiver; or
 - (ii) if not having been so manufactured, is, to the satisfaction of an appointed examiner, not less in strength and efficiency than the part which it replaces; and
- (b) if the fixing of the part or fitting affects or may affect the structure of the boiler or pressure receiver, the same is fixed to the satisfaction of an appointed examiner.

Application.

3. (1) This Ordinance applies to every boiler, pressure receiver and steam container other than—

- (a) a boiler, a pressure receiver or a steam container belonging to the Crown;
- (b) a boiler, a pressure receiver or a steam container that is used solely for domestic purposes;
- (c) a boiler, a pressure receiver or a steam container that is part of the equipment of a ship, boat or other such vessel or of a motor vehicle or tramcar;
- (d) a pressure vessel having a maximum storage capacity that does not exceed one gallon; and
- (e) the boiler or pressure receiver of any locomotive belonging to, or operated by or on, the Kowloon-Canton Railway so long as any conditions that the Registrar may, from time to time, impose in relation to the boiler or pressure receiver are complied with.

(2) Parts II, III, IV, V and VI of this Ordinance and sections 49, 50, 51, 60, 61 and 62 do not apply to portable gas generators.

PART II.

APPOINTMENT OF REGISTRAR, PRINCIPAL SURVEYOR, ETC., KEEPING OF REGISTERS, CERTIFICATES OF COMPETENCY, BOARDS OF INQUIRY AND EXEMPTIONS.

Appointment
of Registrar,
Principal
Surveyor,
boiler
inspectors and
air receiver
inspectors.

4. (1) The Governor may appoint—
- (a) a public officer to be the Registrar of Boilers and Pressure Receivers;
 - (b) a public officer to be the Principal Surveyor of Boilers and Pressure Receivers; and

- (c) such number of persons as he considers necessary, having such qualifications as he considers sufficient, to be boiler inspectors or air receiver inspectors.

(2) The Governor may, at any time, revoke any such appointment and may suspend the appointment of any person to be a boiler inspector or an air receiver inspector for such time as he thinks fit.

5. The Principal Surveyor may appoint such number of persons as he considers necessary, having such qualifications (if any) as he considers sufficient, to be pressure vessel inspectors and may, at any time, revoke any such appointment or suspend the appointment of any person to be a pressure vessel inspector for such time as he thinks fit.

Appoint-
ment, etc.
of pressure
vessel
inspectors.

6. (1) The Principal Surveyor may, upon application in writing therefor and upon payment of the prescribed fee, issue a certificate of competency to any person who—

Certificates
of compe-
tency.

- (a) has produced to him evidence that satisfies him as to the suitability of that person to be issued therewith and as to his experience in the operation of all classes and types of boiler and steam receiver or of boilers or steam receivers, or both, of the class or type to be specified in the certificate of competency, as the case may be; or
- (b) has satisfied such examiners as the Principal Surveyor may appoint as to his suitability to be issued therewith and as to his competence to operate all classes and types of boiler and steam receiver or boilers or steam receivers, or both, of the class or type to be specified in the certificate of competency, as the case may be.

(2) Every certificate of competency shall be in the prescribed form and shall, as the case may be, certify that the person to whom it is issued is—

- (a) competent to operate all classes and types of boiler and steam receiver and their auxiliary equipment; or
- (b) competent to operate boilers or steam receivers, or both, and their auxiliary equipment, of the class or type specified therein.

(3) Where the Principal Surveyor is satisfied that a person to whom he has issued a certificate of competency certifying that that person is competent to operate boilers or steam receivers, or both, of a specified class or type is, as the case may be, competent to operate all classes and types of boiler and steam receiver or competent to operate a class or type of boiler or steam receiver in addition to the

class or type specified in that certificate, he may, upon payment of the prescribed fee, endorse the certificate accordingly or issue to that person a new certificate of competency.

- (4) (a) The Principal Surveyor may revoke a certificate of competency at any time.
- (b) A certificate of competency shall be deemed to have been revoked if the person to whom it was issued has not, for a period of four years or more than four years, been engaged in the operation of the class or type of boiler or steam receiver in respect of which the certificate was issued.

7. (1) The Registrar shall keep the following registers—

- (a) a register of boilers and pressure receivers other than pressure vessels;
 - (b) a register of pressure vessels;
 - (c) a register of boiler inspectors and air receiver inspectors, in which shall be entered the name of every person who is appointed under section 4 to be a boiler inspector or an air receiver inspector;
 - (d) a register of pressure vessel inspectors, in which shall be entered the name of every person who is appointed under section 5 to be a pressure vessel inspector and his registration number, which shall be allotted by the Registrar; and
 - (e) a register of competent persons, in which shall be entered the name of every person to whom a certificate of competency is issued under section 6, together with a statement as to the class or type of boiler or steam receiver that that person is for the time being competent to operate.
- (2) (a) The following particulars shall be recorded by the Registrar in the register of boilers and pressure receivers in respect of each registered boiler or pressure receiver—
- (i) the name and address of the owner for the time being of the boiler or pressure receiver;
 - (ii) except in the case of a boiler or pressure receiver that is designed so as to be transportable from one place to another, the address at which the boiler or pressure receiver is installed;
 - (iii) the class or type of the boiler or pressure receiver;
 - (iv) the registration number of the boiler or pressure receiver;
 - (v) the maximum permissible working pressure of the boiler or pressure receiver notified to him in accordance with subsection (2) of section 47;

Registrar to keep certain registers, and particulars to be entered in register of boilers and pressure receivers.

(vi) the maximum permissible working pressure of the boiler or pressure receiver specified in the current certificate of fitness issued in respect of the boiler or pressure receiver if the pressure therein specified differs from the maximum permissible working pressure notified to him in accordance with subsection (2) of section 47 or entered in the register pursuant to paragraph (b);

(vii) the date on which each certificate of fitness issued in respect of the boiler or pressure receiver was issued; and

(viii) the making by the Principal Surveyor of an order under section 32 in respect of the boiler or pressure receiver and the date (if any) on which the same ceased to be in force.

- (b) Where, upon an appeal under section 48, the maximum permissible working pressure of the boiler or pressure receiver determined by the Principal Surveyor differs from the maximum permissible working pressure thereof determined by the appointed examiner from whose decision the appeal was made, the Registrar shall, when, in accordance with subsection (2) of the said section 48, he is notified by the Principal Surveyor of the maximum permissible working pressure determined by him, delete the entry made in the register of boilers and pressure receivers in accordance with sub-paragraph (v) of paragraph (a) and enter in the register the maximum permissible working pressure determined by the Principal Surveyor.
 - (c) The Registrar shall delete from the register of boilers and pressure receivers the entry therein in respect of a boiler or pressure receiver if he is satisfied that it has been destroyed or is otherwise no longer being used in the Colony.
- (3) (a) The following particulars shall be recorded by the Registrar in the register of pressure vessels in respect of each registered pressure vessel—
- (i) the name and address of the owner for the time being of the pressure vessel;
 - (ii) the place at which for the time being the pressure vessel is being used;
 - (iii) the registration number of the pressure vessel;
 - (iv) the making by the Principal Surveyor of an order under section 32 in respect of the pressure vessel and the date (if any) on which the same ceased to be in force.
- (b) The Registrar shall delete from the register of pressure vessels the entry therein in respect of a pressure vessel if he is satisfied that it has been destroyed or is otherwise no longer being used in the Colony.

(4) The Registrar shall remove from the register of boiler inspectors and air receiver inspectors or the register of pressure vessel inspectors, as the case may be, the name of any person whose appointment to be a boiler inspector or an air receiver inspector or a pressure vessel inspector has been revoked and shall, during the continuance in force of a suspension of the appointment of a person to be a boiler inspector or an air receiver inspector or a pressure vessel inspector, keep in the register of boiler inspectors and air receiver inspectors or the register of pressure vessel inspectors, as the case may be, such entry as he considers sufficient to indicate the suspension.

(5) The Registrar shall remove from the register of competent persons the name of any person whose certificate of competency has been revoked or is, under paragraph (b) of subsection (4) of section 6, deemed to have been revoked.

8. (1) Whenever an explosion has occurred in a boiler or pressure receiver—

(a) the Principal Surveyor may make a preliminary inquiry with respect to the explosion; and

(b) whether or not the Principal Surveyor makes a preliminary inquiry, the Registrar may appoint a Board of Inquiry whose function it shall be to inquire into and determine, so far as may be possible, the cause of the explosion.

(2) (a) Every Board of Inquiry shall consist of—

(i) a magistrate nominated by the Chief Justice or a legal officer nominated by the Attorney General;

(ii) the Principal Surveyor or a boiler inspector; and

(iii) one other person who has such qualifications as the Registrar considers suitable and who is not a public officer or a boiler inspector.

(b) The magistrate or legal officer, as the case may be, shall be the chairman of a Board of Inquiry.

(3) For the purposes of a preliminary inquiry, the Principal Surveyor shall have the following powers—

(a) to enter and inspect any premises the entry or inspection of which appears to him to be necessary;

(b) to inspect and examine the boiler or pressure receiver and its auxiliary equipment;

(c) to require the production of any document or thing in the possession of any person; and

Inquiries into explosions in boilers and pressure receivers.

(d) to require any person to answer such inquiries as he considers it necessary to make.

(4) (a) For the purpose of its inquiry, a Board of Inquiry shall have the following powers—

(i) to hear evidence on oath or otherwise;

(ii) to summon any person to attend any sitting of the Board to give evidence or to produce any document or thing in his possession and to examine him as a witness or require him to produce such document or thing, subject to all just exceptions;

(iii) to enter and inspect any premises the entry or inspection of which appears to it to be necessary; and

(iv) to inspect and examine the boiler or pressure receiver and its auxiliary equipment.

(b) A witness summons shall be in such form as the chairman of the Board of Inquiry directs and shall be signed by him.

(5) The report on a preliminary inquiry may, save where a Board of Inquiry has been, or is to be, appointed, be made public in such manner as the Principal Surveyor thinks fit, and the report of a Board of Inquiry shall be made public in such manner as the Registrar directs.

9. (1) The Principal Surveyor may, upon application in writing in that behalf, exempt from any of the provisions of this Ordinance a boiler or pressure receiver to which he is satisfied that such provision cannot reasonably be applied.

(2) Any such exemption shall be subject to such conditions as the Principal Surveyor specifies and may be withdrawn at any time.

(3) The Principal Surveyor shall notify the Registrar of the grant or withdrawal of any such exemption.

10. (1) The Registrar may by order exempt from any of the provisions of this Ordinance boilers or pressure receivers of a class or type to which he is satisfied that such provision cannot reasonably be applied.

(2) Any such exemption shall be subject to such conditions as may be specified in the order.

(3) The Registrar may by order cancel or amend any order made under subsection (1).

(4) A notification of every order made under this section shall be published in the *Gazette*.

Power of Principal Surveyor to exempt individual boilers or pressure receivers from provisions of Ordinance.

Power of Registrar to exempt classes or types of boiler or pressure receiver from provisions of Ordinance.

PART III.

REGISTRATION OF BOILERS, PRESSURE RECEIVERS AND
STEAM CONTAINERS.*Boilers, pressure receivers (other than pressure vessels)
and steam containers.*

Documents to be delivered to Registrar in respect of existing boilers and pressure receivers and powers of Principal Surveyor where documents not delivered, etc.

11. (1) Prior to the examination of the boiler or pressure receiver in accordance with section 23, the owner of an existing boiler or pressure receiver, other than a pressure vessel, shall, whenever such documents are available, deliver to the Registrar in respect of the boiler or pressure receiver two copies of each of the following documents—

- (a) the maker's certificate;
 - (b) where the boiler or pressure receiver was constructed in the Colony, a certificate as to the inspection thereof during construction issued by a person who the Registrar considers suitably qualified;
 - (c) where the boiler or pressure receiver was not constructed in the Colony, a certificate issued in respect of the boiler or pressure receiver by a recognized inspecting authority in the country in which it was constructed; and
 - (d) any certificate issued by a recognized inspecting authority in respect of any extensive repairs or any alterations or additions made to the boiler or pressure receiver or its auxiliary equipment elsewhere than in the Colony.
- (2) (a) Where the documents specified in subsection (1) are not delivered to the Registrar and where such of those documents as are delivered to the Registrar do not, in the opinion of the Principal Surveyor, provide sufficient evidence to enable him to make an assessment of the maximum permissible working pressure at which the boiler or pressure receiver, as the case may be, may be operated, the Principal Surveyor may, by notice in writing, require the owner of the boiler or pressure receiver to cause the same to be surveyed at the expense of the owner by an appointed examiner.
- (b) The appointed examiner who carries out any such survey shall, on the result of his survey, prepare, and deliver to the Registrar, plans of the boiler or pressure receiver and its auxiliary equipment showing the materials used in, and the method of, the construction thereof, the dimensions of every part and fitting thereof and such other particulars as the Principal Surveyor may specify.
- (c) Where any plans delivered to the Registrar pursuant to paragraph (b) do not, in the opinion of the Principal Surveyor, provide sufficient evidence to enable him to make an assess-

ment of the maximum permissible working pressure at which the boiler or pressure receiver may be operated, the Principal Surveyor may, by notice in writing, require the owner of the boiler or pressure receiver to cause an appointed examiner to produce, at the expense of the owner, further plans showing such particulars of the boiler or pressure receiver as may be specified in the notice.

12. Prior to the first examination of the steam container in accordance with subsection (1) of section 28, the owner of an existing steam container shall deliver to the Registrar in respect of the steam container—

- (a) two copies of the maker's certificate; or
- (b) two copies of a plan thereof prepared, to the satisfaction of the Principal Surveyor, by a boiler inspector.

13. The owner of a new boiler or pressure receiver, other than a pressure vessel, shall, not less than thirty days preceding the day on which he intends to put the same into use or, if the boiler or pressure receiver is put into use within thirty days after the commencement of this Ordinance, as soon as practicable, deliver to the Registrar in respect thereof—

- (a) where the boiler or pressure receiver was constructed in the Colony, two copies of the certificate of inspection during construction; or
- (b) where the boiler or pressure receiver was not constructed in the Colony, two copies of the maker's certificate and two copies of a certificate issued in respect of the boiler or pressure receiver by a recognized inspecting authority in the country in which it was constructed.

14. The owner of a new steam container shall, not less than thirty days preceding the day on which he intends to put the same into use or, if the steam container is put into use within thirty days after the commencement of this Ordinance, as soon as practicable, deliver to the Registrar in respect thereof—

- (a) two copies of the maker's certificate; or
- (b) two copies of a plan thereof prepared, to the satisfaction of the Principal Surveyor, by a boiler inspector.

15. Every copy of a document that is delivered to the Registrar pursuant to subsection (1) of section 11 or section 12, 13 or 14 shall have endorsed thereon a declaration by an appointed examiner that it relates to the boiler or pressure receiver in respect of which it is so delivered.

Documents to be delivered to Registrar in respect of existing steam containers.

Documents to be delivered to Registrar in respect of new boilers and pressure receivers.

Documents to be delivered to Registrar in respect of new steam containers.

Documents to be certified by appointed examiner.

Registration of boilers and pressure receivers, etc.

16. (1) The Registrar shall—

- (a) in the case of an existing boiler, pressure receiver or steam container, upon receipt of the documents of the plans and particulars, as the case may be, required by section 11 or 12, as the case may be, and of an application in the prescribed form for the registration of the boiler, pressure receiver or steam container; or
- (b) in the case of a new boiler, pressure receiver or steam container, upon receipt of the documents required by section 13 or 14, as the case may be, and of an application in the prescribed form for the registration of the boiler, pressure receiver or steam container,

allot to the boiler, pressure receiver or steam container, as the case may be, a registration number and enter it in the register of boilers and pressure receivers.

(2) The owner of a registered boiler, pressure receiver or steam container shall cause the registration number thereof to be marked on the boiler, pressure receiver or steam container in a conspicuous position at all times.

Registrar to be notified of sale or hiring of boilers, etc.

17. (1) The owner of a registered boiler, pressure receiver, other than a pressure vessel, or steam container who sells the same or hires it to any person shall, within seven days of the sale or the agreement for hire, as the case may be, notify the Registrar of the name and address of the person to whom the boiler, pressure receiver or steam container, as the case may be, has been sold or hired and, where the boiler, pressure receiver or steam container is not so designed as to be transportable from one place to another, shall also notify the Registrar whether or not the sale or hiring has resulted or will result in the removal of the same.

(2) The owner of a registered boiler, pressure receiver, other than a pressure vessel, or steam container shall, within seven days of the change, notify the Registrar of any change in his address.

Power of Principal Surveyor to require details of boilers or pressure receivers to be delivered to him.

18. Without prejudice to subsection (2) of section 11, the Principal Surveyor may, where he considers it necessary to do so for the purpose of enabling him to make an assessment of the maximum permissible working pressure at which a boiler or pressure receiver may be operated, require the owner of the boiler or pressure receiver to deliver to him complete details of the materials used in, and the method of, the construction of the boiler or pressure receiver and its auxiliary equipment and dimensions of all the parts and fittings thereof or of such of those parts and fittings as he specifies.

Pressure vessels.

19. (1) Within thirty days after a new pressure vessel is first put into use, the owner of the pressure vessel shall notify the Registrar that it has been put into use and of the place at which it is being used and shall also notify the Registrar of his address.

Registrar to be notified of pressure vessels that are being used.

(2) Within six months after the commencement of this section, the owner of an existing pressure vessel shall notify the Registrar of the place at which it is being used and of his address.

20. (1) The Registrar shall enter in the register of pressure vessels every pressure vessel in respect of which he receives notice under section 19 and may enter in the register any other pressure vessel whose existence comes to his notice if the same is being used.

Registration of pressure vessels, etc.

(2) The Registrar shall allot a registration number to every pressure vessel that he enters in the register of pressure vessels and shall, wherever practicable, notify the owner of the pressure vessel of the number so allotted.

(3) The owner of a registered pressure vessel who has been notified by the Registrar of the registration number allotted thereto shall cause the number to be marked on the pressure vessel in a conspicuous position at all times.

21. (1) The owner of a registered pressure vessel who sells the same shall, within seven days after the sale, notify the Registrar of the name and address of the person to whom it has been sold.

Registrar to be notified of sale of pressure vessel, etc.

(2) The owner of a registered pressure vessel shall, within seven days after the change, notify the Registrar of any change in the place at which he is using the pressure vessel or in his address.

PART IV.

MAINTENANCE AND EXAMINATION OF BOILERS, PRESSURE RECEIVERS AND STEAM CONTAINERS, AND CONTROL OF USE AND OPERATION THEREOF.

22. (1) Every boiler and pressure receiver and its auxiliary equipment shall be properly maintained.

Maintenance of boilers and pressure receivers, boiler-houses and fire-fighting appliances, etc.

(2) Every steam container shall be so maintained that the outlet therefrom is, at all times, open and free from obstruction.

(3) Without prejudice to the generality of the provisions of subsection (1), every fitting and storage tank connected with a fuel burning installation shall be free from defective joints.

(4) Every place in which a boiler is situated shall be maintained in a clean condition and free from any waste inflammable material.

(5) Every appliance provided in connexion with a boiler or its auxiliary equipment for use in combatting an outbreak of fire shall be properly maintained and situated in a readily accessible place.

First examination of existing boilers and pressure receivers. (Cap. 56).

23. (1) Every existing boiler and its auxiliary equipment shall be examined by an appointed examiner within twelve months after the last examination thereof under and for the purposes of the Steam Boilers Ordinance repealed by section 72 or not later than two months after the commencement of this Ordinance, whichever is the later.

(2) Every existing steam receiver and its auxiliary equipment and every existing air receiver, other than a pressure vessel, and its fittings and attachments shall be examined by an appointed examiner within twelve months after the commencement of this Ordinance.

New boilers and pressure receivers to be examined before being put into use.

24. (1) Upon completion of the installation of a new boiler or steam receiver, other than an air receiver, and before the same is put into use, the boiler or steam receiver and its auxiliary equipment shall be examined by an appointed examiner.

(2) Every new air receiver, other than a pressure vessel, and its fittings and attachments shall be examined by an appointed examiner before it is put into use.

Boilers and steam receivers to be used in new premises to be examined before being put into use.

25. Every boiler or steam receiver that is to be put into use in premises other than those in which it was previously used shall, together with its auxiliary equipment, be examined by an appointed examiner before it is put into use in such premises.

Boilers and pressure receivers to which extensive repairs, etc. have been made to be examined before being again put into use.

26. (1) Every boiler or steam receiver in respect of which extensive repairs have been carried out or, save where the same is designed so as to be transportable from one place to another, that has been removed from one part of any premises to another part thereof shall, together with its auxiliary equipment, be examined by an appointed examiner before it is again put into use.

(2) Every air receiver, other than a pressure vessel, in respect of which extensive repairs have been carried out or, save where the same is designed so as to be transportable from one place to another, that has been removed from one part of any premises to another part thereof shall, together with its fittings and attachments, be examined by an appointed examiner before it is again put into use.

Periodic examination of boilers and pressure receivers.

27. Save as otherwise provided—

(a) every boiler and its auxiliary equipment shall be examined by an appointed examiner within fourteen months after the date on which the last certificate of fitness issued in respect of the boiler was issued; and

(b) every steam receiver and its auxiliary equipment and every air receiver, other than a pressure vessel, and its fittings and attachments shall be examined by an appointed examiner within twenty-six months after the date on which the last certificate of fitness issued in respect of the steam receiver or air receiver was issued.

28. (1) Save as provided in subsection (2), every steam container shall be examined by a boiler inspector, in order to ensure that the outlet therefrom is open and free from obstruction, whenever the boiler that supplies steam thereto is examined in accordance with this Ordinance.

Examination of steam containers.

(2) Every steam container shall be examined by a boiler inspector for the like purpose before it is put into use.

29. (1) Every new fuel burning installation shall be examined by an appointed examiner before it is put into use.

Examination of new fuel burning installations and heaters fitted therein, etc.

(2) Every new heater fitted in a fuel burning installation shall, before it is put into use, be subjected by an appointed examiner to an hydraulic test, which shall be to not less than twice the maximum pressure to which the heater may be subjected when it is being used.

(3) (a) Every pipe that is used for conveying fuel from a pump or gravity tank to the burners in a fuel burning installation and every fitting connected with any such pipe shall be tested by an appointed examiner—

(i) in the case of a new such pipe, after the pipe has been jointed and before it is put into use; and

(ii) in the case of any such pipe, within seven days after the Principal Surveyor so requires.

(b) Every such test shall be to—

(i) twice the maximum pressure to which the fuel system is or will be subjected under normal working conditions; or

(ii) the pressure specified in the current British Standard Specification.

30. Where—

(a) any pipe that conveys or will or may convey steam or water under pressure to or from a boiler, steam receiver or steam container is renewed or is added to a boiler, steam receiver or steam container; or

Steam or water pipes to be hydraulically tested in certain cases.

(b) extensive repairs or alterations are carried out to any such pipe or to any system of such pipes,

the pipe or pipes shall, before being subjected or again subjected, as the case may be, to steam pressure or water pressure, be subjected by a boiler inspector to an hydraulic test.

Periodic examination of pressure vessels.

31. (1) Every existing pressure vessel shall be examined by an appointed examiner within twelve months after the commencement of this section.

(2) Every new pressure vessel shall be examined by an appointed examiner within twelve months after the date on which it is first put into use.

(3) Save as provided in subsections (1) and (2), every pressure vessel shall be examined by an appointed examiner within twelve months after the date marked thereon in accordance with this Ordinance as the date on which the last examination thereof was completed.

Power of Principal Surveyor to prohibit use and operation of boiler or pressure receiver in certain cases, and procedure thereafter.

32. (1) Where it appears to the Principal Surveyor that—

- (a) a boiler or pressure receiver or any of its auxiliary equipment is not, or may not be, in safe working order;
- (b) a boiler or pressure receiver or any of its auxiliary equipment has not been examined or tested in accordance with this Ordinance or in accordance with a requirement of the Principal Surveyor made under this Ordinance;
- (c) a boiler or pressure receiver, other than a pressure vessel, is being, or has been, operated at a pressure greater than its maximum permissible working pressure; or
- (d) the seal attached to a safety valve by an appointed examiner has been broken, or the setting of a safety valve has been altered, by a person who is not an appointed examiner,

he may, by notice in writing served upon the owner thereof, prohibit the further use and operation of the boiler or pressure receiver, as the case may be.

(2) Every such order in respect of a boiler or pressure receiver, other than a pressure vessel, shall continue in force until the boiler or pressure receiver has been examined by an appointed examiner and a certificate of fitness issued by him in respect thereof under section 33 and the Principal Surveyor has, upon production to him of the certificate of fitness, permitted the use thereof to be resumed, and every such order in respect of a pressure vessel shall continue in force until the pressure vessel has been examined by an appointed examiner and the examiner has, in the manner provided by section 35, certified that he is satisfied that it is in safe working order.

(3) At any time after any such order in respect of a boiler or pressure receiver, other than a pressure vessel, has been served, the Principal Surveyor or an appointed examiner acting under his directions may take such steps as he considers necessary to procure the immediate stoppage of the use and operation of the boiler or pressure receiver to which the order relates.

33. (1) Save as otherwise provided, a certificate of fitness in respect of a boiler or pressure receiver shall be issued—

Issue of certificates of fitness.

- (a) in the case of a boiler, only under the hand of the appointed examiner who examined the boiler when it was under the pressure that will be specified in the certificate of fitness as its maximum permissible working pressure; or
 - (b) in the case of a pressure receiver, only under the hand of the appointed examiner who examined the pressure receiver when it was under the pressure that will be specified in the certificate of fitness as its maximum permissible working pressure or who carried out the pressure accumulation test.
- (2) (a) Subject to the provisions of subsection (1) and without prejudice to any other provisions of this Ordinance, an appointed examiner may issue a certificate of fitness in respect of a boiler or pressure receiver notwithstanding that every part of the examination in question or every test required by this Ordinance to be carried out during such examination has not been carried out by him if he is satisfied that those parts of the examination in question that have not been carried out by him have been carried out in accordance with this Ordinance and that those tests of the boiler or pressure receiver, as the case may be, or its auxiliary equipment that have not been carried out by him have been carried out in accordance with this Ordinance and that the results thereof were satisfactory.
- (b) Where, pursuant to paragraph (a), a certificate of fitness is issued by an appointed examiner who has not carried out the whole of the examination of the boiler or pressure receiver or all of the tests thereof, each appointed examiner by whom a part of the examination was carried out or by whom some of the tests were carried out shall enter in the certificate of fitness particulars as to the part of the examination, or as to the tests, that he carried out.
- (3) Where, upon an examination of a boiler or pressure receiver for the purposes of this Ordinance, the appointed examiner—
- (a) who has carried out the examination in accordance with this Ordinance and has carried out such tests of the boiler or pressure receiver or its auxiliary equipment as are required by this Ordinance to be carried out; or
 - (b) who, not having carried out the whole of the examination or not having carried out some or all of the tests of the boiler or pressure receiver or its auxiliary equipment required by this Ordinance to be carried out, has carried out the examination of the boiler or the examination or test of the pressure receiver specified in subsection (1),

is satisfied—

- (i) that the boiler or pressure receiver, as the case may be, and, in the case of a boiler or steam receiver, its auxiliary equipment and, in the case of an air receiver, its fittings and attachments are in safe working order or that, subject to the conditions that will be specified in the certificate of fitness, the boiler or pressure receiver may safely be used and operated having regard to the pressure to be specified in the certificate of fitness as the maximum permissible working pressure at which the boiler or pressure receiver may be operated; and
- (ii) in the case of a steam receiver, that the steam receiver and the pipe connecting the steam receiver with any supply of steam are of sufficient strength to withstand any pressure of steam to which they may be subjected; and
- (iii) in the case of an air receiver, that the air receiver and the pipe connecting the air receiver with any supply of air are of sufficient strength to withstand any pressure to which they may be subjected,

he shall issue to the owner of the boiler or pressure receiver a certificate of fitness, and, where, upon such an examination, such appointed examiner is not satisfied as to any of the matters set out in paragraph (i), (ii) or (iii), he shall refuse to issue a certificate of fitness.

- (4) (a) Every certificate of fitness shall be in the prescribed form and shall contain the particulars required thereby.
- (b) The pressure specified in a certificate of fitness as the maximum permissible working pressure at which the boiler or pressure receiver to which the certificate relates may be operated shall be the maximum permissible working pressure determined in accordance with Part VI of this Ordinance or such lesser pressure as the appointed examiner by whom the certificate is issued considers necessary for the safe operation of the boiler or pressure receiver, having regard to its age, general condition or history or the quality of the workmanship used in its construction or in any repairs that have been carried out in respect thereof.
- (5) In any certificate of fitness issued by him for the purposes of this Ordinance, an appointed examiner may specify such conditions with respect to the repair of the boiler or pressure receiver to which the certificate relates as he considers necessary for its continued safe working.
- (6) Whenever an appointed examiner issues a certificate of fitness, he shall also deliver to the owner of the boiler or pressure receiver two copies of the certificate and, within seven days after the copies are delivered to him, the owner shall deliver them to the Registrar.

(7) Whenever an appointed examiner refuses to issue a certificate of fitness, he shall, in writing, notify the Registrar as soon as practicable of the circumstances in which he has refused to issue the certificate.

- 34. (1) (a) The owner of a boiler or pressure receiver who considers himself aggrieved by the refusal of an appointed examiner to issue a certificate of fitness in respect of the boiler or pressure receiver may, within seven days after the day on which the examiner notified him of his refusal to issue the certificate, appeal to the Principal Surveyor.
- (b) Every such appeal shall be in writing.
- (2) (a) Where, upon such an appeal, the Principal Surveyor considers that a certificate of fitness should be issued in respect of the boiler or pressure receiver, as the case may be, he shall issue a certificate of fitness to the owner of the boiler or pressure receiver and shall also deliver to him two copies of the certificate, and, within seven days after the copies are delivered to him, the owner shall deliver them to the Registrar.
- (b) Where, under paragraph (a), the Principal Surveyor issues a certificate of fitness, he shall send a copy thereof to the appointed examiner from whose refusal to issue such a certificate the appeal was made.
- (c) Where, upon such an appeal, the Principal Surveyor considers that a certificate of fitness should not be issued in respect of the boiler or pressure receiver, as the case may be, he shall notify the owner thereof accordingly.
- (3) The decision of the Principal Surveyor upon such an appeal shall be final.

Appeals from refusal of appointed examiner to issue certificate of fitness.

35. Where, upon an examination of a pressure vessel for the purposes of this Ordinance, the appointed examiner by whom the examination was carried out is not satisfied that the pressure vessel is in safe working order, he shall notify the owner thereof that he is not so satisfied, and when, upon any such examination, the appointed examiner by whom the examination was carried out is satisfied that the pressure vessel is in safe working order he shall certify accordingly by marking, or causing to be marked, on the pressure vessel, the date on which the examination thereof was completed and, if the examination was carried out by a pressure vessel inspector, his registration number.

Procedure on examination of pressure vessel.

- 36. (1) (a) The owner of a pressure vessel who considers himself aggrieved by the decision of an appointed examiner that he is not satisfied that the pressure vessel is in safe working order may, within seven days after the day on which the examiner notified him that he is not so satisfied, appeal to the Principal Surveyor.

Appeals from decision of appointed examiner on examination of pressure vessel.

(b) Every such appeal shall be in writing.

(2) Where, upon such an appeal, the Principal Surveyor considers that the pressure vessel is in safe working order, he shall certify accordingly by marking, or causing to be marked, on the pressure vessel the date on which he examined the same.

(3) Where, upon such an appeal, the Principal Surveyor considers that the pressure vessel is not in safe working order, he shall notify the owner thereof accordingly.

(4) The decision of the Principal Surveyor upon such an appeal shall be final.

PART V.

PROVISIONS AS TO PREPARATION FOR, PROCEDURE ON, AND METHOD OF, EXAMINATION OF BOILERS, STEAM RECEIVERS AND AIR RECEIVERS, AND AS TO PRESSURE ACCUMULATION TESTS AND HYDRAULIC TESTS.

Preparation
of boilers,
etc. for
examination.

37. (1) Whenever, for the purposes of this Ordinance, a boiler is about to be examined when it is cold, the owner thereof shall cause the boiler to be prepared for the examination in the following manner—

- (a) the boiler shall be empty and every part thereof thoroughly clean;
- (b) the boiler shall be sufficiently cool to allow the person carrying out the examination to carry out the same in safety and without inconvenience;
- (c) all mountings shall be opened up and valves and cocks ground in; and
- (d) in the case of boilers other than watertube boilers, all fire bars, bearers, front plates, bridges, arches, manhole and hand-hole doors, cleaning plugs and other fittings shall, unless such part does not form an integral part of the boiler and will not interfere in any way with the examination, be removed; or
- (e) in the case of watertube boilers, the covers of all openings in headers, muddrums, steam and water drums, manholes and handholes shall be removed.

(2) Whenever, for the purposes of this Ordinance, a steam receiver is about to be examined when it is cold or an air receiver is about to be examined when it is not under pressure, the owner thereof shall cause the steam receiver or the air receiver, as the case may be, to be prepared for the examination so that, so far as the construction thereof permits, all parts, both internal and external, and all fittings are thoroughly clean and accessible for examination.

38. (1) The following provisions apply to the examination of a boiler for the purposes of section 23, 27 or 32—

Procedure
on, and
method of,
examination
of boilers.

- (a) the boiler shall first be thoroughly examined when it is cold and has been prepared for examination in the manner prescribed in subsection (1) of section 37;
- (b) where, upon the examination in accordance with paragraph (a), the appointed examiner who carried out the same is of opinion that the boiler is in need of immediate repairs in order to maintain it in safe working order, he shall in writing notify the owner of the boiler of the repairs that he considers necessary;
- (c) in each of the following cases, the boiler shall next be subjected by an appointed examiner to an hydraulic test—

(i) where any repairs that have been carried out pursuant to a notice given by an appointed examiner in accordance with paragraph (b) are extensive repairs;

(ii) where the size or design of the boiler is such that it is not possible for an appointed examiner to enter it in order to examine the internal parts thereof; and

(iii) without prejudice to the provisions of sub-paragraph (i) or (ii), whenever an appointed examiner considers it necessary; and

- (d) finally, the boiler, save for any economizer or superheater that may be fitted therein, shall be examined when it is under the pressure that will be specified in the certificate of fitness as the maximum permissible working pressure at which it may be operated, such examination being carried out on the first occasion on which steam is again raised in the boiler.

(2) The following provisions apply to the examination of a boiler for the purposes of section 24—

- (a) where an appointed examiner considers it necessary, the boiler shall first be examined when it is cold and has been prepared for examination in the manner prescribed in paragraphs (a), (c), (d) and (e) of subsection (1) of section 37;
- (b) where an appointed examiner considers it necessary, the boiler shall next be subjected by an appointed examiner to an hydraulic test; and
- (c) in every case, the boiler, save for any economizer or superheater that may be fitted therein, shall be examined when it is under the pressure that will be specified in the certificate of fitness as the maximum permissible working pressure at which it may be operated, such examination being carried out on the first occasion on which steam is raised in the boiler and after