

(Cap. 220,
sub. leg.)

does not comply with the Road Traffic (Construction and Use) Regulations or any other enactment, having regard to the class or division of the class of motor vehicle within which the vehicle is registered;

- (iii) it is not roadworthy;
- (iv) any of the particulars contained in the form of application for issue of a motor vehicle licence do not accord with the particulars relating to the motor vehicle contained in the register;
- (v) the motor vehicle does not accord with the particulars in the form of application for issue of a motor vehicle licence; or
- (vi) the owner of which fails to comply with a notice served on him under paragraph (1) or (2) of regulation 18A.

(2) Without prejudice to paragraph (1) and subject to any other enactment, the Commissioner, on an application to license a motor vehicle as a public omnibus, a public light bus, a public car or a taxi, may—

- (a) refuse to license the motor vehicle; or
- (b) make the licensing of the motor vehicle subject to such conditions as he may consider appropriate and in particular may make conditions as to—
 - (i) the days on which the vehicle may be used and the hours during which it may be used in any day;
 - (ii) the road upon which the vehicle (other than a taxi) may be used;
 - (iii) the maximum fares which may be charged to passengers carried in the vehicle;
 - (iv) the place on any road at which passengers may be permitted to board or alight from the vehicle; and
 - (v) the colour of the vehicle.

(3) Without prejudice to paragraph (1) the Commissioner may at any time revoke a vehicle licence issued in respect of a motor vehicle which is registered

as a public omnibus, a public light bus, a public car or a taxi—

- (a) upon any of the grounds upon which the registration of the vehicle may be cancelled under regulation 17B;
- (b) on the contravention of any conditions subject to which a motor vehicle licence has been issued in respect of the vehicle.

(4) Upon the revocation of any motor vehicle licence the Commissioner may in his absolute discretion make a refund of a portion of the fee paid for the vehicle licence as if the vehicle licence had been surrendered to him, in accordance with paragraph (1) of regulation 26.

(5) If a motor vehicle licence is revoked under this regulation, no further motor vehicle licence shall, unless the Commissioner otherwise directs, be issued in respect of the motor vehicle, the licence of which has been revoked.”

11. Regulation 29 of the principal regulations is amended—

Amendment of
regulation 29.

(a) by deleting paragraph (2) and substituting the following—

“(2) No person shall drive, use or suffer or permit to be driven or used, any motor vehicle which is registered as—

- (a) a private car;
- (b) a private omnibus;
- (c) a goods vehicle;
- (d) a motor tricycle; or
- (e) a motor cycle,

for the carriage of passengers for hire or reward.”;

(b) in paragraph (3) by deleting “or as a dual-purpose vehicle for use as a private car and as a goods vehicle” and substituting the following—

“, as a private light bus, as a motor tricycle or as a motor cycle”;

(c) by deleting paragraphs (5) and (6) and substituting the following—

“(5) No person shall drive or use, or permit or suffer to be driven or used a motor vehicle which is registered as—

- (a) a private car;

- (b) a public car;
- (c) a private light bus; or
- (d) a private omnibus,

for the carriage of goods for hire or reward.

(6) No person shall drive or use, or permit or suffer to be driven or used, a motor vehicle which is registered as—

- (a) a private car; or
- (b) a public car,

for the carriage of goods (other than personal effects) the total weight of which exceeds two hundred and twenty-four pounds.

(6A) No person shall without the permission in writing of the Commissioner drive or use, or permit or suffer to be driven or used, a motor vehicle which is registered as—

- (a) a public or private omnibus; or
- (b) a public light bus; or
- (c) a private light bus,

for the carriage of goods other than personal effects.

(6B) No person shall drive or use, or permit or suffer to be driven or used, a motor vehicle in contravention of any conditions subject to which the motor vehicle licence has been issued.”.

Addition of new regulation 29A.

12. The principal regulations are amended in Part II by adding after regulation 29 the following new regulation—

“Right of appeal of aggrieved person.

29A. Any person who is aggrieved by any decision or refusal of the Commissioner under regulation 17, 17A, 17B, 17D or 27 may appeal by way of petition to the Governor against such decision or refusal.”.

Addition of new Part IIA.

13. The principal regulations are amended by adding, after Part II, the following new Part—

“PART IIA.

DETENTION OF PRIVATE LIGHT BUSES.

Interpretation of Part IIA.

29B. In this Part, unless the context otherwise requires, “vehicle” means “private light bus”.

Orders for the detention of private light buses.

29C. (1) If a person is found guilty by a court of an offence in relation to a vehicle by reason of the contravention of paragraph (1) or (3) of regulation 29, then, subject to paragraphs (3) and (4), unless for any special reason the court otherwise orders, the court shall order the detention of the vehicle in accordance with this Part for sixty days.

(2) If the court for any special reason does not make an order under paragraph (1) for the detention of the vehicle, the court shall nevertheless make an order for the detention of the vehicle in accordance with this Part for not less than seven and not more than sixty days.

(3) For the purposes of paragraph (1), the fact that the owner of the vehicle was not aware—

- (a) of the use of the vehicle in contravention of paragraph (1) of regulation 29; or
- (b) of the conduct or act of any person in contravention of paragraph (3) of regulation 29,

shall not be a special reason.

(4) Notwithstanding paragraphs (1) and (2), if in any case the court is satisfied—

- (a) that a person who was the registered owner of the vehicle when the offence was committed has at any time, whether before or after the commission of the offence, transferred any interest in the vehicle to a *bona fide* purchaser for value;
- (b) that the purchaser would be adversely affected if the vehicle were detained under paragraph (1) of regulation 29F; and
- (c) that it would be unjust if the purchaser were so affected,

the court shall not make any order for the detention of the vehicle.

(5) Before making an order under paragraph (1) or (2) for the detention of a vehicle, the court, if any person claiming to be the owner of the vehicle is present in court, shall allow such person reasonable opportunity—

- (a) to address the court;
- (b) to give evidence; and
- (c) to call witnesses.

upon the issue of whether or not an order for the detention of the vehicle should be made.

(6) In this regulation "owner" in relation to a vehicle includes—

- (a) the registered owner of the vehicle;
- (b) the person by whom the vehicle is kept or used;
- (c) in the case of a vehicle which is the subject of a hire agreement or hire purchase agreement—
 - (i) the person having the legal ownership of the vehicle; and
 - (ii) the person in possession of the vehicle under the agreement.

Procedure after making an order for detention of a private light bus.

29D. (1) As soon as possible after an order has been made by the court for the detention of a vehicle, the court shall cause the Commissioner to be notified in writing of the making of the order and of the terms thereof.

(2) The Commissioner shall within ten days of being so notified serve either personally or by registered post on the registered owner of the vehicle, a notice in writing requiring the registered owner to deliver the vehicle to such place as the Commissioner may specify in the notice.

(3) A notice under paragraph (2)—

- (a) shall specify a date by which the notice shall be complied with, being a date not less than seven days after nor more than ninety days after the date when the Commissioner received notification from the court under paragraph (1); and
- (b) may limit the days and the hours during such days when the vehicle may be delivered to the place specified in the notice.

Powers of police officer if notice not complied with.

29E. (1) If a notice served by the Commissioner under paragraph (2) of regulation 29D is not complied with, any police officer—

- (a) may seize the vehicle in respect of which the notice has been served; and
- (b) shall, subject to paragraph (2), remove it forthwith to the place specified in the notice.

(2) If at the time when the vehicle is seized, it is not convenient for the police officer to remove it directly to the place specified in the notice, he may take the vehicle to a police station and thereafter a police officer shall remove the vehicle to the place specified in the notice as soon as is convenient and in any event not later than seven days after the date of seizure.

(3) For the purposes of seizing and removing a vehicle under paragraph (1), a police officer may—

- (a) order any person who is in or on the vehicle to alight from it;
- (b) order any person who appears to him to be in possession of any keys to the vehicle to give them to him or to any other person; and
- (c) enter and search any premises or place if he knows or has reason to suspect that the vehicle is in or on such premises or at such place.

(4) A police officer may use such force as is reasonably necessary for the purpose of entering or searching any premises or place under sub-paragraph (c) of paragraph (3) or of seizing or removing any vehicle from such premises or place under paragraph (1).

(5) If a vehicle is seized and removed under paragraph (1) to a place specified in a notice served under paragraph (2) of regulation 29D—

- (a) the Commissioner of Police shall forthwith notify the Commissioner in writing of the date of the seizure; and
- (b) the Commissioner shall serve forthwith by registered post on the owner of the vehicle a notice in writing specifying the date of seizure, and the place to which the vehicle has been removed.

Vehicles to be detained for such period as ordered by court.

29F. (1) Any vehicle which—

- (a) is delivered to a place in compliance with a notice served under paragraph (2) of regulation 29D; or
- (b) is seized and removed under paragraph (1) of regulation 29E to a place specified in a

notice served under paragraph (2) of regulation 29D,

shall be detained at such place by the Commissioner for such period following the date of delivery or seizure as the court may have ordered under paragraph (1) or (2) of regulation 29C, and thereafter until—

- (i) the registered owner collects the vehicle from such place in accordance with paragraph (2); or
- (ii) the Commissioner sells by public auction or otherwise disposes of the vehicle under paragraph (1) of regulation 29I.

(2) The registered owner of a vehicle which is detained under paragraph (1) may collect the vehicle at any time between the hours of 9 a.m. and 5 p.m. on any day, other than a general holiday, after the expiry of the period for which the vehicle has been so detained, on payment of such fee and charges as are payable under paragraphs (1) and (2) of regulation 29H, unless the Commissioner has sold by public auction or otherwise disposed of the vehicle under paragraph (1) of regulation 29I.

Limitation of liability for seizure, removal or detention of vehicles.

29G. No person who, under regulation 29E or paragraph (1) of regulation 29F—

- (a) seizes, removes or detains any vehicle; or
- (b) assists in the seizure, removal or detention of any vehicle,

shall be liable in any manner whatsoever for any loss or damage arising out of or in the course of the seizure, removal or detention of the vehicle unless it is proved that the loss or damage has been caused by his wilful misconduct or negligence.

Removal expenses and storage charges.

29H. (1) The registered owner of a vehicle which is seized and removed under paragraph (1) of regulation 29E to a place specified in a notice served under paragraph (2) of regulation 29D shall pay to the Commissioner a seizure fee of one hundred dollars.

(2) The registered owner of a vehicle which is detained under paragraph (1) of regulation 29F shall pay to the Commissioner a storage charge of five dollars for every day next following the second day

after the expiry of the period for which the vehicle has been detained under paragraph (1) of regulation 29F until—

- (a) the registered owner collects the vehicle; or
- (b) the Commissioner sells by public auction or otherwise disposes of the vehicle under paragraph (1) of regulation 29I.

(3) Without prejudice to the provisions of paragraph (1) of regulation 29I, any fee which is payable under paragraph (1) and any storage charges which are payable under paragraph (2) may be recovered by or on behalf of the Commissioner, as if they were fines imposed by a court of summary jurisdiction.

Commissioner may sell vehicle after three months.

29I. (1) If—

- (a) a vehicle has been delivered to a place in compliance with a notice served under paragraph (2) of regulation 29D and at the expiration of the period of ninety days following the date of delivery, the vehicle has not been collected by the registered owner in accordance with paragraph (2) of regulation 29F; or
- (b) a vehicle has been seized and removed under paragraph (1) of regulation 29E to a place specified in a notice served under paragraph (2) of regulation 29D and at the expiration of the period of ninety days following the date of seizure, the vehicle has not been collected by the registered owner,

the Commissioner may, without prejudice to paragraph (2) of regulation 29F, sell by public auction or otherwise dispose of the vehicle, and may apply the proceeds, if any, from the sale or disposal of the vehicle—

- (i) in payment of any vehicle licence fees which are payable in respect of the vehicle; and
- (ii) in payment of any fee and storage charges payable to the Commissioner under paragraphs (1) and (2) of regulation 29H.

(2) The Commissioner shall transfer the surplus, if any, remaining of the proceeds of the sale or disposal of a vehicle under paragraph (1) to the general revenue of the Colony at the expiry of twelve

months from the date of the sale or disposal, unless the surplus is previously claimed by the person who was the registered owner of the vehicle immediately prior to the date of the sale or disposal.

Offences
against
Part IIA.

29J. Any person who—

- (a) being the registered owner of a vehicle, fails to comply with a notice served on him under paragraph (2) of regulation 29D;
- (b) wilfully and without reasonable excuse disobeys an order given to him by a police officer under sub-paragraph (a) or (b) of paragraph (3) of regulation 29E; or
- (c) wilfully obstructs a public officer who is exercising a power or performing a duty conferred or imposed on the public officer under this Part, or a person who is lawfully assisting the public officer in the exercise of such power or the performance of such duty,

shall be guilty of an offence and shall be liable on conviction to a fine of one thousand dollars and to imprisonment for six months.”.

Amendment of
Third Schedule.

14. The principal regulations are amended in the Third Schedule by deleting item 16 and substituting the following—

- | | | |
|------|---------------------|-------|
| “16. | Public light buses | 3,000 |
| 17. | Private light buses | 480”. |

Addition of
Fifth Schedule.

15. The principal regulations are amended by adding after the Fourth Schedule the following new Schedule—

“FIFTH SCHEDULE. [reg. 17B.]

OFFENCES IN RESPECT OF WHICH THE REGISTRATION
OF A PUBLIC OMNIBUS, PUBLIC LIGHT BUS, PUBLIC
CAR OR TAXI IS LIABLE TO CANCELLATION.

1. Section 8, subsection (2) of section 9, section 25, subsection (2) or (4) of section 27, subsection (2) of section 29 or section 33 of the Ordinance.
2. Regulation 137(2) or (3) of the Road Traffic (Construction and Use) Regulations.
3. Regulation 3(2) or (2A) of the Road Traffic (Parking and Waiting) Regulations.
4. Regulation 7 of the Road Traffic (Public Omnibus, Public Light Bus and Public Car) Regulations.

5. Regulation 29(1), (2), (3), (4), (5) or (6B) of the Road Traffic (Registration and Licensing of Vehicles) Regulations.
6. Regulation 8 of the Road Traffic (Roads and Signs) Regulations in relation to traffic signs diagram numbers 34, 35, 53, 54, 55, 56, 57 or 58 in the Schedule to the regulations.
7. Paragraph (1) of regulation 34 of the Road Traffic (Taxis, Public Omnibuses and Public Cars) Regulations.
8. Section 4 of the Motor Vehicles Insurance (Third Party Risks) Ordinance.”.

Clerk of Councils.

COUNCIL CHAMBER,
8th July 1969.

Explanatory Note.

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

The main purpose of these regulations is to make provision for the registration and licensing of public and private light buses which are two new classes of motor vehicle created by the Ordinance.

2. Regulation 3 revokes and replaces regulation 13 of the principal regulations. The new regulation 13 requires the person transferring the ownership of a motor vehicle to another person to notify the Commissioner for Transport of the transfer. The new owner of the vehicle is required to deliver to the Commissioner for Transport a notice of transfer of ownership, and the registration book. A new offence is created in respect of persons who make false or misleading statements for the purpose of procuring alterations in the register of motor vehicles or in a motor vehicle registration book.

3. By regulation 4, which revokes and replaces regulation 17 of the principal regulations, the Commissioner for Transport is empowered to refuse to register motor vehicles upon certain specified grounds. He is also required to refuse to register a motor vehicle if the total number of vehicles registered within the class in respect of which application has been made to register the vehicle is equal to or exceeds the total number of motor vehicles that may be registered within that class. The Commissioner may cancel the registration of any motor vehicle upon specified grounds.

4. New regulations 17A, 17B, 17C, 17D, 17E and 17F are inserted in the principal regulations by regulation 5. These empower the Commissioner for Transport to refuse applications for the registration of motor vehicles as public omnibuses, public light buses, public cars or taxis. He may also refuse to register any such motor vehicle until appropriate conditions precedent to the registration have been complied with. An application to register a public light bus may be refused if the owner of the vehicle is not an eligible person. A definition of “eligible person” is included. The Commissioner for Transport is empowered by new regulation 17B to cancel the registration of public omnibuses, public light buses, public cars and taxis upon specified grounds. Under the new regulation 17D if a person is found guilty by a court of the use of a motor vehicle

in contravention of regulation 29 of the principal regulations (which restricts the purposes for which certain classes of motor vehicle may be used) the Commissioner for Transport may cancel the registration of the vehicle and refuse to re-register it. The offence of using an unregistered motor vehicle is created by the new regulation 17E. The new regulation 17F specifies the procedure to be followed by the Commissioner for Transport upon refusing to register or cancelling the registration of any motor vehicle.

5. Regulation 6 amends regulation 18 of the principal regulations by inserting a new paragraph (6). The purpose of this amendment is to enable the Commissioner on an application to transfer the registration of a motor vehicle to refuse the application upon any of the grounds upon which he could refuse to register or cancel the registration of a motor vehicle.

6. Regulation 7 adds two new regulations, 18A and 18B. The new regulation 18A empowers the Commissioner for Transport and police officers to require motor vehicles to be produced at a vehicle testing centre for examination, weighing and testing. A person who fails to comply with a notice served upon him requiring production of a motor vehicle for testing commits an offence punishable on conviction by a fine of one thousand dollars or imprisonment for six months. Any police officer in uniform is empowered to examine and enter a motor vehicle which is on a road and to require the driver of the vehicle to drive it to a vehicle testing centre or police station for further examination. The Commissioner for Transport is empowered under the new regulation 18B to limit by notice in the *Gazette* the number of public omnibuses, public light buses, taxis or public cars which may be registered or licensed. In the event of the number of applications to register or license motor vehicles within any of these classes exceeding the maximum number of motor vehicles which may be registered in that class, the Commissioner for Transport may determine the applications by lot.

7. Paragraph (3) of regulation 19 of the principal regulations is deleted by regulation 8 as more extensive provisions have now been made under the new regulation 18A for weighing and testing of motor vehicles.

8. Regulation 9 amends regulation 26 of the principal regulations so as to empower the Commissioner for Transport to refund a proportion of the fee paid for an existing licence in respect of a vehicle on the surrender of that licence when an application is made to re-license the vehicle in another category.

9. Regulation 27 of the principal regulations is revoked and replaced. Under the new regulation 27 the Commissioner for Transport is empowered to refuse to issue motor vehicle licences or to revoke motor vehicle licences upon specified grounds.

10. Regulation 11 amends regulation 29 of the principal regulations which restricts purposes for which certain classes of motor vehicles may be used.

11. Regulation 12 inserts in the principal regulations a new regulation 29A, under which persons who are aggrieved by any decision or refusal of the Commissioner for Transport in relation to the registration or licensing of vehicles are given a right of appeal to the Governor.

12. Regulation 13 adds a new Part IIA to the principal regulations. New regulations 29B, 29C, 29D, 29E, 29F, 29H, 29I and 29J provide for

the seizure and detention of private light buses when a person has been found guilty by a court of using such vehicle for a purpose other than that for which it is registered or of soliciting persons to travel therein for hire or reward.

13. Regulation 14 amends the Third Schedule to the principal regulations by deleting the reference to dual-purpose vehicles and specifies a licence fee of \$3,000 for public light buses and \$480 for private light buses.

14. Regulation 15 adds a new Fifth Schedule to the principal regulations which lists those offences conviction of which will entitle the Commissioner for Transport to cancel the registration or revoke the licence of a public omnibus, a public light bus, a public car or a taxi.

道路交通條例 (即香港法例第二二零章) 一九六九年道路交通 (車輛登記及發牌) (修訂) 規例 註釋

(本文並非該規例之任何部分，而祇係以簡述該規例之大意為目的。)

本規例之主要目的在於對公共及私用小巴士之登記及發牌事宜，加以規定。此兩類摩托車輛之名稱係由本條例新近所定者。

二、 本規例第三款將原有規例第十三款撤銷，並代之以新規例。該新訂之第十三款規定，任何人士如將其摩托車輛之所有權轉讓與他人者，必須據情向交通處處長呈報，新車主亦須將有關該項轉讓情事之通知書連同牌簿呈交該處處長。該款並規定任何人士如提供失實或令人誤解之陳述，以期達到修改車輛登記冊或牌簿內容之目的者，均屬違法。

三、 本規例第四款將原有規例第十七款加以修訂，並代之以新規例。該新規例規定，交通處處長有權根據所開列之若干項理由拒絕登記任何摩托車輛。如在申請登記之車輛所屬之種類中已獲登記車輛之總數已達到或超過該類車輛之登記限額時，則該處處長必須拒絕該項申請。此外，該處處長得根據所開列之理由將任何摩托車輛取消登記。

四、 本規例第五款在原有規例中加插第十七甲、十七乙、十七丙、十七丁、十七戊及十七己各款。該等條款規定，交通處處長有權拒絕任何一宗請求將摩托車輛登記為公共巴士，公共小型巴士，公共汽車或計程汽車之申請書。該處處長並得拒絕登記各該車輛，直至申請人業已履行登記前應遵守之各項有關規定之時為止。任何公共小型巴士登記申請書，如車主並非有資格人士時，則該處處長得予拒絕之。關於「有資格人士」一詞，新規例第十七甲款內載有定義。新規例第十七乙款規定，交通處處長有權根據所開列之理由將任何公共巴士，公共小型巴士，公共汽車及計程汽車取消登記。新規例第十七丁款規定，任何人士，如將任何車輛所作之用途違犯原有規例第二十九款之規定（該款對若干種類摩托車輛之用途加以限制）而經法庭判定有罪者，則交通處處長得將該車輛取消登記並拒絕為其重行登記。新規例第十七戊款規定，凡使用未經登記之車輛者，均屬違法。新規例第十七己款對交通處處長在拒絕登記任何摩托車輛或將其取消登記後應採取之步驟，加以規定。

五、 本規例第六款對原有規例第十八款加以修訂，以便將新訂之第(六)段加插在原有規例內。該項修訂旨在使該處處長於接獲任何人士之申請書，請求將其摩托車輛之牌照轉移時，得同樣根據拒絕登記任何摩托車輛或將其取消登記時所引用之任何理由而拒絕該項申請。

六、 本規例第七款將新訂之第十八甲及第十八乙兩款附加於原有規例內。新規例第十八甲款授權交通處處長及警務人員着令任何車主將其摩托車輛送至車輛試驗中心接受檢查，計重及試驗。任何人士如不履行通知書之規定將有關之摩托車輛交出試驗者，即屬違法，一經起訴定罪後，可被判罰款一千元或監禁六個月。任何軍裝警務人員均有權檢查及進入任何一輛在道路上之摩托車輛並可着令該車司機將該車輛駛至任何車輛試驗中心或警署接受進一步之檢查。根據新規例第十八乙款之規定，交通處處長有權在香港政府憲報刊登告示對可予登記或可獲發牌之公共巴士，公共小型巴士，計程汽車或公共汽車之數額，加以限制。如遇申請登記或領牌之摩托車輛之總額超過各類摩托車輛之最高登記限額時，該處長得採用抽籤方法取決。

七、 本規例第八款將原有規例第十九款第(三)段刪去。此舉係由於新訂之第十八甲款對摩托車輛之計重及試驗事宜有更詳盡之規定而引起者。

八、 本規例第九款對原有規例第二十六款加以修訂。該新規例規定，若車主申請將其車輛登記為另一類車輛而放棄其現有牌照時，交通處處長有權將該牌照之部分牌費發還。

九、 本規例將原有規例第二十七款撤銷，並代之以一項新規例。該新訂之規例第二十七款規定，交通處處長有權根據所開列之理由拒絕發牌與任何摩托車輛或將任何摩托車輛之牌照取消。

十、 本規例第十款將原有規例第二十九款加以修訂。該款規例係對若干類摩托車輛可供作之用途，加以規定者。

十一、 本規例第十二款將一項新訂之規例第二十九甲款加插在原有規例內，以便規定任何人士如對交通處處長就有關車輛登記及發牌事宜所作之任何決定或所拒絕之任何申請有所不滿時，均有權向總督提出上訴。

十二、 本規例第十三款將新訂之第二甲部附加於原有規例內。新規例第二十九乙、二十九丙、二十九丁、二十九戊、二十九己、二十九申、二十九壬及二十九癸各款規定，任何人士，如將私用小型巴士用作登記時所規定用途以外之任何其他用途，或以出租或收取報酬方式誘使他人乘搭該車輛而經法庭判定有罪者，則該車輛得予拖去及予以扣押。

十三、 本規例第十四款對原有規例內之第三附表加以修訂，將有關客貨兩用車之規定刪去並將公共小型巴士之牌費規定為每年三千元，私用小型巴士牌費則為每年四百八十元。

十四、 本規例第十五款將新訂之第五附表附加於原有規例內。該附表載明各違例事項。違犯者一經起訴定罪後，交通處處長即有權將有關之公共巴士，公共小型巴士，公共汽車或計程汽車取消登記或將其牌照撤銷。

ROAD TRAFFIC ORDINANCE.

(Chapter 220).

ROAD TRAFFIC (ROADS AND SIGNS) (AMENDMENT) REGULATIONS 1969.

In exercise of the powers conferred by section 3 of the Road Traffic Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Road Traffic (Roads and Signs) (Amendment) Regulations 1969 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

Citation and commencement.

2. Regulation 7 of the principal regulations is amended in paragraph (1) by inserting, after sub-paragraph (e), the following new sub-paragraphs—

Amendment of regulation 7.
(Cap. 220, sub. leg.)

“(ea) the places and manner in which the user of roads by any specified type or class of vehicle is—

(i) restricted; or

(ii) prohibited,

either at all times or during specified hours in any day;

(eb) the places on roads where motor vehicles or any specified type or class of motor vehicle are prohibited from—

(i) waiting; or

(ii) picking up or setting down passengers,

either at all times or during specified hours in any day;”.

3. Regulation 8 of the principal regulations is amended by deleting “Any” and substituting the following—

Amendment of regulation 8.

“Subject to regulation 8A, any”.

4. The principal regulations are amended by adding, after regulation 8, the following new regulation—

Addition of new regulation 8A.

“Authority may exempt public light buses from certain prohibitions and restrictions.

8A. (1) On the application of an owner of a public light bus the Authority may, subject to such conditions as he may think fit, exempt the vehicle from any prohibition or restriction (applicable only to public light buses) which is indicated by a prescribed traffic sign shown in Diagram No. 34, 35, 53, 55, 56, 57 or 58.

(2) Every exemption given by the Authority under paragraph (1) shall be written upon a disc, and the exemption shall be effective only while the disc is displayed on the windscreen of the vehicle to which the exemption relates.”

Amendment of regulation 15.

5. Regulation 15 of the principal regulations is amended by deleting paragraph (4) and substituting the following—

“(4) Every permit which is issued by the Authority under paragraph (3) in respect of a public light bus shall be written upon a disc, and shall be effective only while the disc is displayed on the windscreen of the vehicle.”

Amendment of Schedule.

6. The Schedule to the principal regulations is amended—

(a) in the Note to Diagram No. 34 by deleting “The words following “Prohibited All Motor Vehicles” may be varied or omitted to accord with the restriction imposed.” and substituting the following—

“The words “Motor Vehicles” may be varied to accord with the specified type or class of vehicle restricted or prohibited and the words following “Motor Vehicles” may be varied or omitted to accord with the restrictions or prohibitions imposed.”; and

(b) by deleting the Note to Diagram No. 35 and substituting the following—

“Note: In Diagram No. 35 the words “Motor Vehicles” may be varied to accord with the specified type or class of vehicle restricted or prohibited and the times shown may be varied to accord with the restrictions or prohibitions imposed.”;

(c) by adding, after Diagram No. 52 and the Note thereto, the following—

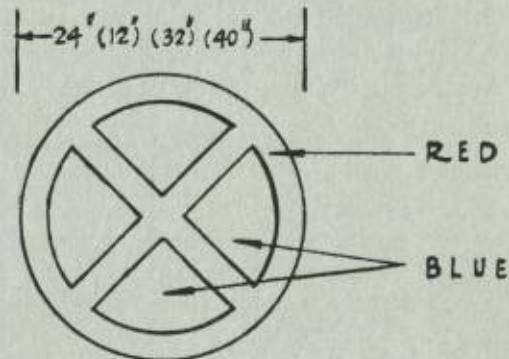


DIAGRAM NO. 53.

Note: The sign shown in Diagram No. 53, when placed on or near a road, indicates that the stopping of motor vehicles for the purpose of picking up or setting down passengers or for the purpose of loading or unloading goods is prohibited. The sign may be used in conjunction with any one or more of the signs shown in Diagrams Nos. 54 to 58 inclusive.

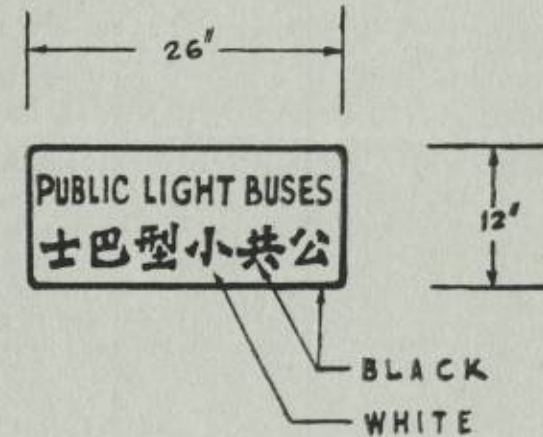


DIAGRAM NO. 54.

Note: The sign shown in Diagram No. 54, when placed in conjunction with the sign shown in Diagram No. 53, indicates that the prohibition indicated in the sign shown in Diagram No. 53 is limited to the class of motor vehicle specified in Diagram No. 54. The wording of Diagram No. 54 may be varied to specify any class of motor vehicle.

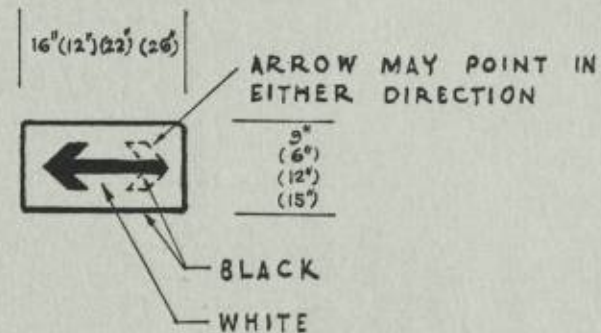


DIAGRAM NO. 55.

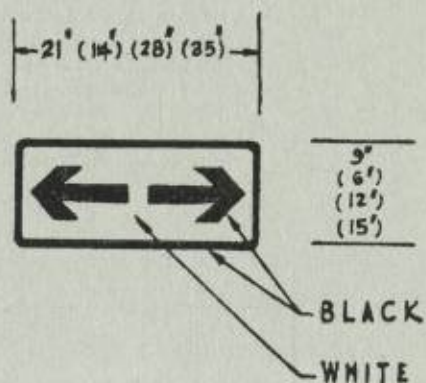


DIAGRAM NO. 56.

Note: A sign shown in Diagram No. 55 or 56, when placed in conjunction with the sign shown in Diagram No. 53, indicates the direction in which the prohibition indicated in the sign shown in Diagram No. 53 applies.

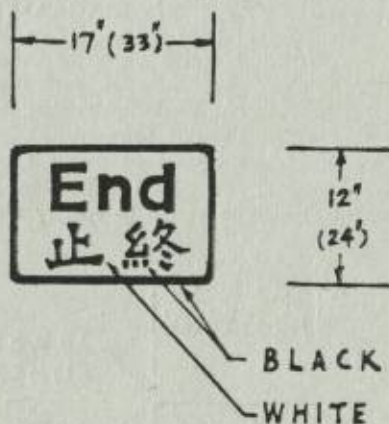


DIAGRAM NO. 57.

Note: The sign shown in Diagram No. 57, when placed in conjunction with the sign shown in Diagram No. 53 and a sign shown in Diagram No. 55 or 56, indicates the end of the prohibition indicated in the sign shown in Diagram No. 53.

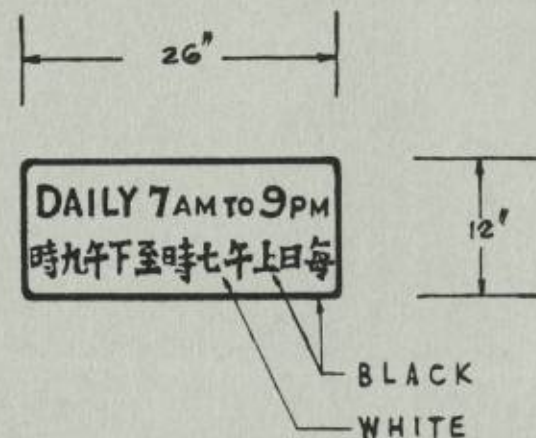


DIAGRAM NO. 58.

Note: The sign shown in Diagram No. 58, when placed in conjunction with the sign shown in Diagram No. 53, indicates the periods of time during which the prohibition indicated in the sign shown in Diagram No. 53 applies. The wording of Diagram No. 58 may be varied to specify any periods of time."

Clerk of Councils.

COUNCIL CHAMBER,
8th July 1969.

Explanatory Note.

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

These regulations amend the principal regulations to enable the placing of traffic signs and road markings indicating restrictions on the user of roads by any specified type or class of vehicle.

The Commissioner for Transport is also empowered to exempt any public light bus from prohibitions or restrictions on the use of a road by motor vehicles of this class.

道路交通條例 (即香港法例第二二零章) 一九六九年道路交通 (道路及標誌) (修訂) 規例 註釋

(本文並非該規例之任何部分，而祇係以簡述該規例之大意為目的。)

本規例對原有規例加以修訂，以便當局設置交通標誌及路面記號向任何指定類型或種類之車輛指示有關使用道路之各項限制。

交通處處長並有權豁免任何公共小型巴士遵守有關禁止或限制該類摩托車輛使用某一道路之規定。

ROAD TRAFFIC ORDINANCE.
(Chapter 220).

**ROAD TRAFFIC (TAXIS, PUBLIC OMNIBUSES AND
PUBLIC CARS) (AMENDMENT) REGULATIONS 1969.**

In exercise of the powers conferred by sections 3 and 4 of the Road Traffic Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Road Traffic (Taxis, Public Omnibuses and Public Cars) (Amendment) Regulations 1969 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.
Citation and commencement.
2. Regulation 1 of the principal regulations is amended by inserting after "Omnibuses" the following—
"Public Light Buses".
Amendment of regulation 1.
(Cap. 220, sub. leg.)
3. Regulation 2 of the principal regulations is amended—
(a) by deleting the definition of "driver" and substituting the following—
" "driver" means the driver of a taxi, a public omnibus, a public light bus or a public car, as the case may be;";
(b) by deleting the definition of "public car";
(c) by deleting the definition of "taxi".
Amendment of regulation 2.
4. Regulation 3 of the principal regulations is revoked and replaced by the following new regulation—
"Applica-
tion. 3. Paragraph (1) of regulation 34, and regulations 35, 36, 37, 40 and 41 shall not apply to a public omnibus or a public car unless such vehicle is being hired or is intended to be hired for the carriage of passengers under a contract expressed or implied, other than a hire purchase agreement, for the use of the vehicle as a whole at or for a fixed or agreed rate or sum."
Revocation and replacement of regulation 3.
5. Regulation 5 of the principal regulations is amended—
(a) by being renumbered as paragraph (1) thereof;
Amendment of regulation 5.

- (b) in paragraph (1)—
- (i) by inserting after "omnibus", in the first place where it occurs, the following—
" , as a public light bus";
 - (ii) by deleting sub-paragraph (c);
 - (iii) in sub-paragraph (d), by inserting after "public omnibus service" the following—
" , public light bus service";
 - (iv) by deleting sub-paragraph (e);
- (c) by adding after paragraph (1) the following—
- "(2) The Authority shall not issue a vehicle licence in respect of a motor vehicle as a taxi, as a public omnibus or as a public car in accordance with the provisions of the Road Traffic (Registration and Licensing of Vehicles) Regulations unless he is satisfied that the applicant has provided suitable accommodation for the motor vehicle or has made such arrangements as will enable him to provide such accommodation within twelve months of the date of the application for the vehicle licence.
- (3) The Authority shall not issue a vehicle licence in respect of a motor vehicle as a taxi or as a public car in accordance with the provisions of the Road Traffic (Registration and Licensing of Vehicles) Regulations unless he is satisfied that it can be licensed for the carriage of not less than three persons."

Revocation of regulations 6 and 7.

6. Regulations 6 and 7 of the principal regulations are revoked.

Amendment of regulation 11.

7. Regulation 11 of the principal regulations is amended—
- (a) by deleting "6, 7,";
 - (b) by inserting, after "public omnibus" the following—
" , as a public light bus".

Amendment of regulation 24.

8. Regulation 24 of the principal regulations is amended by—
- (a) being renumbered as paragraph (1) thereof; and
 - (b) inserting the following new paragraph—
"(2) No driver of a public light bus which is on a road or in a public place and no person acting

or purporting to act on behalf of the driver or owner of the vehicle shall by speaking, making any noise, sounding any instrument or by any other means induce or try to induce any person to travel in the vehicle."

9. Regulation 30 of the principal regulations is amended, in sub-paragraph (b) of paragraph (1), by deleting—

Amendment of regulation 30.

"or, in the case of a dual purpose vehicle registered for use as a taxi and as a goods vehicle in that part of the vehicle set aside for the carriage of goods".

10. Regulation 38 of the principal regulations is amended—

Amendment of regulation 38.

(a) in paragraph (1), by deleting "paragraph (2)" and substituting the following—

"paragraphs (2) and (3)";

(b) in paragraph (2), by deleting "public cars" and substituting the following—

"a public car";

(c) by adding, after paragraph (2), the following—

"(3) No person who is permitted to drive a public car by virtue of paragraph (1) shall use such public car to carry any goods or passenger for hire or reward, or for any purpose other than a purpose for which a private car may lawfully be used."

11. The principal regulations are amended by adding after Part VI the following new Part—

Addition of new Part VIA.

"PART VIA.

DETENTION OF PUBLIC LIGHT BUSES.

Interpretation of Part VIA.

41A. In this Part, unless the context otherwise requires, "vehicle" means "public light bus".

Orders for the detention of public light buses. Fourth Schedule.

41B. (1) If a person is found guilty by a court of an offence against any regulations specified in the Fourth Schedule in respect of a vehicle, unless for any special reason the court otherwise orders, the court shall order the detention of the vehicle in accordance with this Part for seven days.

(2) For the purposes of paragraph (1), the fact that the owner of the vehicle—

- (a) was not aware of the commission of the offence;

- (b) did not permit the commission of the offence; or
- (c) had taken reasonable steps to prevent the commission of the offence,

shall not be a special reason.

(3) Notwithstanding paragraph (1), if the court is satisfied—

- (a) that a person who was the registered owner of the vehicle when the offence was committed has at any time, whether before or after the commission of the offence, transferred any interest in the vehicle to a *bona fide* purchaser for value;
- (b) that the purchaser would be adversely affected if the vehicle were detained under paragraph (1) of regulation 41F; and
- (c) that it would be unjust if the purchaser were so affected,

the court shall not make any order for the detention of the vehicle.

(4) Before making an order under paragraph (1) for the detention of a vehicle, the court, if any person claiming to be the owner of the vehicle is present in court, shall allow such person reasonable opportunity—

- (a) to address the court;
- (b) to give evidence; and
- (c) to call witnesses,

upon the issue of whether or not an order for the detention of the vehicle should be made under paragraph (1).

Procedure
after making
an order for
detention of
a public
light bus.

41C. (1) As soon as possible after an order has been made by the court for the detention of a vehicle, the court shall cause the Commissioner to be notified in writing of the making of the order and of the terms thereof.

(2) The Commissioner shall within ten days of being so notified serve either personally or by registered post on the registered owner of the vehicle, a notice in writing requiring the registered owner to deliver the vehicle to such place as the Commissioner may specify in the notice.

(3) A notice under paragraph (2)—

- (a) shall specify a date by which the notice shall be complied with, being a date not less than seven days after nor more than ninety days after the date when the Commissioner received notification from the court under paragraph (1); and
- (b) may limit the days and the hours during such days when the vehicle may be delivered to the place specified in the notice.

Powers of
police
officer if
notice not
complied
with.

41D. (1) If a notice served by the Commissioner under paragraph (2) of regulation 41C is not complied with, any police officer—

- (a) may seize the vehicle in respect of which the notice has been served; and
- (b) shall, subject to paragraph (2), remove it forthwith to the place specified in the notice.

(2) If at the time when the vehicle is seized, it is not convenient for the police officer to remove it directly to the place specified in the notice, he may take the vehicle to a police station and thereafter a police officer shall remove the vehicle to the place specified in the notice as soon as is convenient and in any event not later than seven days after the date of seizure.

(3) For the purposes of seizing and removing a vehicle under paragraph (1), a police officer may—

- (a) order any person who is in or on the vehicle to alight from it;
- (b) order any person who appears to him to be in possession of any keys to the vehicle to give them to him or to any other person; and
- (c) enter and search any premises or place if he knows or has reason to suspect that the vehicle is in or on such premises or at such place.

(4) A police officer may use such force as is reasonably necessary for the purpose of entering or searching any premises or place under sub-paragraph (c) of paragraph (3) or of seizing or removing any vehicle from such premises or place under paragraph (1).

(5) If a vehicle is seized and removed under paragraph (1) to a place specified in a notice served under paragraph (2) of regulation 41C, the Commissioner of Police shall forthwith notify the Commissioner in writing of the amount of the expenses of seizure and removal which are payable under subparagraph (b) of paragraph (2) of regulation 41H.

Commissioner to notify registered owner of seizure of vehicle.

41E. If a vehicle is seized and removed under paragraph (1) of regulation 41D to a place specified in a notice served under paragraph (2) of regulation 41C, the Commissioner shall serve forthwith by registered post on the registered owner of the vehicle a notice in writing specifying the date of seizure and the place to which the vehicle has been removed.

Vehicles to be detained for seven days.

41F. (1) Any vehicle which—

- (a) is delivered to a place in compliance with a notice served under paragraph (2) of regulation 41C; or
- (b) is seized and removed under paragraph (1) of regulation 41D to a place specified in a notice served under paragraph (2) of regulation 41C,

shall be detained at such place by the Commissioner for a period of seven days following the date of delivery or seizure, as the case may be, and thereafter until—

- (i) the registered owner collects the vehicle from such place in accordance with paragraph (2); or
- (ii) the Commissioner sells by public auction or otherwise disposes of the vehicle under paragraph (1) of regulation 41I.

(2) The registered owner of a vehicle which is detained under paragraph (1) may collect the vehicle at any time between the hours of 9 a.m. and 5 p.m. on any day, other than a general holiday, after the expiry of the period of seven days following the date of delivery or seizure, as the case may be, on payment of such fee and storage charges as are payable under paragraphs (1) and (2) of regulation 41H, unless the Commissioner has sold by public auction or otherwise disposed of the vehicle under paragraph (1) of regulation 41I.

Limitation of liability for seizure, removal or detention of vehicles.

41G. No person who, under regulation 41D or paragraph (1) of regulation 41F—

- (a) seizes, removes or detains any vehicle; or
- (b) assists in the seizure, removal or detention of any vehicle,

shall be liable in any manner whatsoever for any loss or damage arising out of or in the course of the seizure, removal or detention of the vehicle unless it is proved that the loss or damage has been caused by his wilful misconduct or negligence.

Removal expenses and storage charges.

41H. (1) The registered owner of a vehicle which is seized and removed under paragraph (1) of regulation 41D to a place specified in a notice served under paragraph (2) of regulation 41C, shall pay to the Commissioner a seizure fee of one hundred dollars.

(2) The registered owner of a vehicle which is detained under paragraph (1) of regulation 41F shall pay to the Commissioner a storage charge of five dollars for every day following the ninth day after—

- (a) the date on which the vehicle is delivered to such place in compliance with the notice served under paragraph (2) of regulation 41C; or
- (b) the date on which the vehicle is seized under paragraph (1) of regulation 41D,

as the case may be, until the registered owner collects the vehicle or until the Commissioner sells by public auction or otherwise disposes of the vehicle under paragraph (1) of regulation 41I.

(3) Without prejudice to the provisions of paragraph (1) of regulation 41I, any fee, expenses and charges which are payable to the Commissioner under paragraphs (1) and (2) may be recovered by or on behalf of the Commissioner as if they were fines imposed by a court of summary jurisdiction.

Commissioner may sell vehicle after three months.

41I. (1) If—

- (a) a vehicle has been delivered to a place in compliance with a notice served under paragraph (2) of regulation 41C and at the expiration of the period of ninety days following the date of delivery, the vehicle has not been collected by the registered

owner in accordance with paragraph (2) of regulation 41F; or

- (b) a vehicle has been seized and removed under paragraph (1) of regulation 41D to a place specified in a notice served under paragraph (2) of regulation 41C, and at the expiration of the period of ninety days following the date of seizure, the vehicle has not been collected by the registered owner,

the Commissioner may, without prejudice to the provisions of paragraph (2) of regulation 41F, sell by public auction or otherwise dispose of the vehicle, and may apply the proceeds, if any, from the sale or disposal of the vehicle—

- (i) in payment of any vehicle licence fees which are payable in respect of the vehicle; and
(ii) in payment of any fee, expenses and charges which are payable to the Commissioner under paragraphs (1) and (2) of regulation 41H.

(2) The Commissioner shall transfer the surplus, if any, remaining of the proceeds of the sale or disposal of a vehicle under paragraph (1) to the general revenue of the Colony at the expiry of twelve months from the date of the sale or disposal, unless the surplus is previously claimed by the person who was the registered owner of the vehicle immediately prior to the date of the sale or disposal.

Offences
against
Part VIA.

41J. Any person who—

- (a) being the registered owner of a vehicle, fails to comply with a notice served on him under paragraph (2) of regulation 41C;
(b) wilfully and without reasonable excuse disobeys an order given to him by a police officer under sub-paragraph (a) or (b) of paragraph (3) of regulation 41D; or
(c) wilfully obstructs a public officer who is exercising a power or performing a duty conferred or imposed on the public officer under this Part, or a person who is lawfully assisting the public officer in the exercise of such power or the performance of such duty,

shall be guilty of an offence and shall be liable on conviction to a fine of one thousand dollars and to imprisonment for six months.”

12. Regulation 44 of the principal regulations is amended, in paragraph (1), by inserting after “35” the following—

Amendment of
regulation 44.

“, paragraph (3) of regulation 38”.

13. The Third Schedule to the principal regulations is amended—

Amendment of
Third Schedule.

- (a) by deleting “(Including a dual purpose vehicle registered for use as a taxi and as a goods vehicle)”, in both places where it occurs;
(b) by deleting paragraph (ii) of item 2.

14. The principal regulations are amended by adding after the Third Schedule the following new Schedule—

Addition of
new Fourth
Schedule.

“FOURTH SCHEDULE. [reg. 41B.]

OFFENCES IN RESPECT OF WHICH PUBLIC LIGHT BUSES
ARE LIABLE TO DETENTION.

1. Sections 11(1), 11(3), 12(1) and 14(1) of the Ordinance.
2. Regulations 137(2) and (3) of the Road Traffic (Construction and Use) Regulations.
3. Regulations 3(2) and (2A) of the Road Traffic (Parking and Waiting) Regulations.
4. Regulation 13(e) of the Road Traffic (Public Omnibus, Public Light Bus and Public Car) Regulations.
5. Regulation 29(6B) of the Road Traffic (Registration and Licensing of Vehicles) Regulations.
6. Regulations 5 and 6 of the Road Traffic (Road Crossing) Regulations.
7. Regulations 8 and 17 of the Road Traffic (Roads and Signs) Regulations.
8. Regulation 44(2) of the Road Traffic (Taxis, Public Omnibuses, Public Light Buses and Public Cars) Regulations.”

COUNCIL CHAMBER,
8th July 1969.

Clerk of Councils.

Explanatory Note.

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

The main purpose of these regulations is to apply appropriate provisions of the principal regulations to public light buses.

2. Also, a new Part VIA is added to the principal regulations to provide for the detention for seven days of public light buses in respect of which certain offences have been committed. The offences are set out in a new Fourth Schedule and relate chiefly to breaches of conditions attached to the licences of public light buses. When a vehicle is liable to be detained, the registered owner of the vehicle is responsible for its delivery into the custody of the Commissioner for Transport. Detention is mandatory unless the court is satisfied either that there are special reasons for not ordering detention or that someone other than the person who was the registered owner when the offence was committed has acquired a *bona fide* interest in the vehicle and would be unjustly affected. Police officers are given power to seize vehicles which are liable to detention and are not delivered to the Commissioner for Transport. Provision is also made for the recovery from the registered owner of the expenses of seizing a vehicle, and of storage charges if the vehicle is not collected by the owner at the end of the period of detention. The Commissioner for Transport may dispose of a vehicle which is not collected within ninety days after the date of delivery or seizure.

3. The principal regulations are also amended by deleting references to a dual purpose vehicle. This class of vehicle has been abolished.

4. Regulation 38 of the principal regulations is also amended to prohibit a hirer of a public car who holds only a private car licence from using the public car for any purpose for which a private car cannot lawfully be used.

道路交通條例（即香港法例第二二零章）
一九六九年道路交通（計程汽車，公共巴士，公共汽車）
（修訂）規例

註釋

（本文並非該規例之任何部分，而祇係以簡述該規例之大意為目的。）

本規例之制訂，旨在將原有規例內合適之規定適用於公共小型巴士。

二、此外本規例並將新訂之第六甲部附加於原有規例內，以便規定可將牽涉於某等罪名之公共小型巴士扣押七天。該等罪名主要係與違犯公共小型巴士牌照之附例有關，現載於新訂之第四附表內。遇有任何車輛應予扣押時，其註冊車主必須負責將該車輛送交交通處處長監管。該項扣押行動係屬強制性質，但如法庭認為有特別理由毋須下令將該車輛扣押或認為在該項違例事件發生時該車輛之真正權益已由其註冊車主以外之人士獲得，而且該人如因該車輛之扣押遭受影響顯係不公平時，則屬例外。凡屬警務人員均有權將任何應予扣押但仍未送交交通處處長之車輛拖去。本規例並規定交通處處長或其代表人得向註冊車主追收拖車費用。又如該車輛在扣押期滿後仍未被領回者，並得向該車主追收保管費，此外，倘任何車輛在送交或拖回規定地點後九十日內仍未被領回者，交通處處長復有權將其作任何處置。

三、本規例並將原有規例對客貨兩用車之規定刪除，蓋該類車輛之名稱現經予以廢除。

四、本規例復對原有規例第三十八款加以修訂，以便規定僅持有私用汽車牌照之人士在租用公共汽車時不得將該輛公共汽車用作私用汽車合法用途以外之任何其他用途。

PROCLAMATION.

No. 1 of 1969.

BY HIS EXCELLENCY SIR DAVID CLIVE CROSBIE TRENCH, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, upon whom has been conferred the decoration of the Military Cross, Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies, and Vice-Admiral of the same.

WHEREAS by section 12 of the Maintenance Orders (Facilities for Enforcement) Ordinance (Chapter 15), it is provided that where the Governor is satisfied that reciprocal provisions have been made by the legislature of any country for the enforcement within such country of maintenance orders made by the courts in Hong Kong, the Governor may by proclamation extend the Ordinance to such country:

AND WHEREAS I am satisfied that the legislature of New Zealand has made reciprocal provisions as aforesaid:

NOW THEREFORE I, DAVID CLIVE CROSBIE TRENCH, do hereby PROCLAIM that the Maintenance Orders (Facilities for Enforcement) Ordinance shall extend to New Zealand.

Given under my hand and the Public Seal of the Colony of Hong Kong this 12th day of July 1969.



David Clive Crosbie Trench

Governor.

GOD SAVE THE QUEEN.

60

BOILERS AND PRESSURE RECEIVERS ORDINANCE.

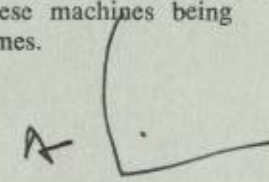
(Chapter 56).

**BOILERS AND PRESSURE RECEIVERS (EXEMPTION)
ORDER 1969.**

In exercise of the powers conferred by section 10 of the Boilers and Pressure Receivers Ordinance, I, Arthur Patrick RICHARDSON, the Registrar of Boilers and Pressure Receivers, have made the following order—

1. This order may be cited as the Boilers and Pressure Receivers (Exemption) Order 1969. Citation.

2. All oil-fired steam cleaning machines of the type known as Model MSC—2 manufactured by Anzen Motor Car Co., Ltd., Tokyo, Japan are exempted from the provisions of the Boilers and Pressure Receivers Ordinance, subject to these machines being maintained in an efficient condition at all times. Exemption.
(Cap. 56.)



*Registrar of Boilers and
Pressure Receivers.*

8th July 1969.



CENSUS ORDINANCE.

(Chapter 316).

CENSUS ORDER 1969.

In exercise of the powers conferred by section 3 of the Census Ordinance, the Governor in Council has made the following order—

- 1. This order may be cited as the Census Order 1969. Citation.
- 2. A pilot census shall be taken at 2 a.m. on the 20th day of September 1969 of the population then dwelling in any part of the Colony other than those dwelling afloat in small craft. Census order.
- 3. The purposes of the said census are— Purposes of census.
 - (a) to obtain by sample an estimate of the population, except those dwelling afloat in small craft, and
 - (b) to test the organization for the taking of a census under the Census Ordinance.

A handwritten signature in blue ink is written over a circular official seal. The seal contains the text 'GOVERNOR IN COUNCIL' and 'CLERK OF COUNCILS' around a central emblem.

Clerk of Councils.

COUNCIL CHAMBER,
15th July 1969.



1969 No. 760.

BRITISH NATIONALITY.

THE BRITISH NATIONALITY REGULATIONS 1969.

Made - - - - - 27th May 1969.

Coming into Operation - - - - - 1st June 1969.

ARRANGEMENT OF REGULATIONS.

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In exercise of the powers conferred upon me by section 29(1) of the British Nationality Act 1948(a), as extended and amended by section 4(7) of the Cyprus Act 1960(b), section 1 of the South Africa Act 1962(c) and Schedule 1 thereto, section 3(2) of the British Nationality Act 1964(d), section 6(2) of the British Nationality (No. 2) Act 1964(e), section 5(2) of the British Nationality Act 1965(f) and section 12 of the West Indies Act 1967(g) and Schedule 3 thereto, I hereby make with the consent, so far as Regulation 26 is concerned, of the Treasury the following Regulations:—

PART I.

GENERAL.

1. These Regulations may be cited as the British Nationality Regulations 1969 and shall come into operation on 1st June 1969.

2. (1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“the Act of 1948” means the British Nationality Act 1948;

“the Act of 1958” means the British Nationality Act 1958(h);

“the Act of 1964” means the British Nationality Act 1964;

“the No. 2 Act of 1964” means the British Nationality (No. 2) Act 1964;

“the Act of 1965” means the British Nationality Act 1965;

“Governor” has, in relation to a protected state to which the provisions of section 8 of the Act of 1948 relating to protectorates are extended by Order in Council made under section 30 of that Act, the same meaning as in the Order; and in their application to the Channel Islands and the Isle of Man these Regulations shall have effect as if references to the Governor included references to the Lieutenant-Governor;

“the High Commissioner” means, in relation to a country mentioned in section 1(3) of the Act of 1948, the High Commissioner for Her Majesty's government in the United Kingdom in that country, and includes the acting High Commissioner in that country.

(a) 1948 c. 56.

(b) 1960 c. 52.

(c) 1962 c. 23.

(d) 1964 c. 22.

(e) 1964 c. 54.

(f) 1965 c. 34.

(g) 1967 c. 4.

(h) 1958 c. 10.

Citation and operation.

Interpretation.

(2) In these Regulations, any reference to a Regulation or Schedule shall be construed as a reference to a Regulation contained in these Regulations or, as the case may be, to a Schedule thereto; and any reference in a Regulation or Schedule to a paragraph shall be construed as a reference to a paragraph of that Regulation or of that Schedule.

(3) In these Regulations, except where the context otherwise requires, a reference to any enactment shall be construed as a reference to that enactment as amended, extended or applied by any subsequent enactment.

(4) The Interpretation Act 1889(a) shall apply to the interpretation of these Regulations in like manner as it applies to the interpretation of an Act of Parliament.

Revocations and transitional provisions.

3. (1) The British Nationality Regulations 1965(b) and the British Nationality (Amendment) Regulations 1968(c) are hereby revoked.

(2) Section 38 of the Interpretation Act 1889 shall apply in relation to the said Regulations as if these Regulations were an Act of Parliament and the said Regulations were Acts of Parliament repealed by an Act of Parliament.

(3) Without prejudice to paragraph (2), any application, declaration, or direction made or given before the coming into operation of these Regulations in accordance with the provisions of any Regulation revoked by these Regulations by or to any person or authority shall continue to have effect as if made or given in accordance with the corresponding provisions of these Regulations.

PART II.

CITIZENSHIP AND NATIONALITY BY REGISTRATION.

Application for registration under section 6(1) of the Act of 1948.

4. (1) An application for registration as a citizen of the United Kingdom and Colonies under section 6(1) of the Act of 1948 shall be made to the appropriate authority specified in Regulation 11(1) to (4).

(2) Such an application made by a British subject or a citizen of the Republic of Ireland shall satisfy the requirements of Schedules 1 and 2 unless it is made by virtue of section 3(2) of the Act of 1958, in which case it shall satisfy the requirements of Schedules 1 and 3.

(a) 1889 c. 63.

(b) S.I. 1965/1753 (1965 III, p. 4956).

(c) S.I. 1968/448 (1968 I, p. 1157).

(3) Such an application made by a citizen or former citizen of the Republic of South Africa by virtue of section 1 of the South Africa Act 1962 shall satisfy the requirements of Schedules 1 and 4 unless it is made by virtue of the said section 1 and section 3(2) of the Act of 1958, in which case it shall satisfy the requirements of Schedules 1 and 5.

5. (1) An application by a woman for registration as a citizen of the United Kingdom and Colonies under section 6(2) of the Act of 1948 shall be made to the appropriate authority specified in Regulation 11(2).

Application for registration under section 6(2) of the Act of 1948.

(2) Such an application shall satisfy the requirements of Schedules 1 and 6 and, where the applicant is a British protected person or an alien and is required by the said section 6(2) to take an oath of allegiance, the said oath shall be subscribed and attested in the form set out in Schedule 7 in accordance with the requirements of paragraph 4 of Schedule 1 and, as so subscribed and attested, shall be included in the form of application.

6. (1) An application for the registration of a minor child of a citizen of the United Kingdom and Colonies as a citizen thereof under section 7(1) of the Act of 1948 shall be made to the appropriate authority specified in Regulation 11(2).

Application for registration under section 7(1) of the Act of 1948.

(2) Such an application shall satisfy the requirements of Schedules 1 and 8.

7. (1) An application for registration as a citizen of the United Kingdom and Colonies under section 12(6) of the Act of 1948 made by virtue of section 3(1)(b)(iii) of the Act of 1958 shall be made to the appropriate authority specified in Regulation 11(5).

Application for registration under section 12(6) of the Act of 1948.

(2) Such an application shall satisfy the requirements of Schedules 1 and 9.

8. (1) An application for registration as a citizen of the United Kingdom and Colonies under section 1 of the Act of 1964 shall be made to the appropriate authority specified in Regulation 11(6).

Application for registration under section 1 of the Act of 1964.

(2) Such an application shall satisfy the requirements of Schedules 1 and 10.

9. (1) An application for registration as a citizen of the United Kingdom and Colonies under section 1 of the No. 2 Act of 1964 shall be made to the appropriate authority specified in Regulation 11(2).

Application for registration under section 1 of the No. 2 Act of 1964.

(2) Such an application shall satisfy the requirements of Schedules 1 and 11.

Application for registration under section 1 of the Act of 1965.

Authority to whom application is to be made.

10. (1) An application by a woman for registration as a British subject under section 1 of the Act of 1965 shall be made to the appropriate authority specified in Regulation 11(2).

(2) Such an application shall satisfy the requirements of Schedules 1 and 12 and the oath of allegiance required by the said section 1 to be taken by an applicant shall be subscribed and attested in the form set out in Schedule 7 in accordance with the requirements of paragraph 4 of Schedule 1 and, as so subscribed and attested, shall be included in the form of application.

11. (1) Such an application as is mentioned in Regulation 4, made on grounds consisting of, or including, ordinary residence immediately preceding the application, shall be made—

- (a) in the case of ordinary residence in the United Kingdom, to the Secretary of State at the Home Office;
- (b) in the case of ordinary residence in a dependency mentioned in paragraph (7), to the Governor.

(2) Such an application as is mentioned in Regulation 4 (other than an application to which paragraph (1) applies), made on grounds consisting of, or including, Crown service immediately preceding the application under Her Majesty's government in the United Kingdom, or such an application as is mentioned in Regulation 5, 6, 9 or 10 shall be made—

- (a) if the person concerned is resident in a dependency mentioned in paragraph (7), to the Governor;
- (b) if the person concerned is resident in a commonwealth country mentioned in paragraph (8), to the High Commissioner;
- (c) in any other case, to the Secretary of State at the Home Office;

and in this paragraph the expression "the person concerned" means the person making the application.

(3) Such an application as is mentioned in Regulation 4, made on grounds consisting of, or including, service immediately preceding the application in the employment of a society, company or body of persons established as mentioned in section 3(2) of the Act of 1958, shall be made—

- (a) if the society, company or body is established in the United Kingdom and the applicant is serving in its employment in a commonwealth country mentioned in paragraph (8), to the High Commissioner;
- (b) if the society, company or body is established in the United Kingdom and the applicant is serving otherwise than as aforesaid, to the Secretary of State at the Home Office;

(c) if the society, company or body is established in a dependency mentioned in paragraph (7), to the Governor.

(4) Such an application as is mentioned in Regulation 4, made on grounds consisting of, or including, service immediately preceding the application under an international organization of which Her Majesty's government in the United Kingdom is a member, shall be made—

- (a) if the applicant is serving as aforesaid in a commonwealth country mentioned in paragraph (8), to the High Commissioner;
- (b) in any other case, to the Secretary of State at the Home Office.

(5) Such an application as is mentioned in Regulation 7 shall be made—

- (a) if the applicant is resident in a dependency mentioned in paragraph (7), to the Governor;
- (b) in any other case, to the Secretary of State at the Home Office.

(6) Such an application as is mentioned in Regulation 8 shall be made—

- (a) if the applicant is resident in a dependency mentioned in paragraph (7), to the Governor;
- (b) if the applicant has such a qualifying connexion as is mentioned in section 1 of the Act of 1964 and is resident in a commonwealth country mentioned in paragraph (8), to the High Commissioner;
- (c) in any other case, to the Secretary of State at the Home Office.

(7) The dependencies referred to in this Regulation are the Channel Islands, the Isle of Man, a colony, a protectorate and a protected state to which the provisions of section 8 of the Act of 1948 relating to protectorates are extended by Order in Council made under section 30 thereof.

(8) The commonwealth countries referred to in this Regulation are those countries mentioned in section 1(3) of the Act of 1948 in which there is a High Commissioner.

12. (1) The registration of a person as a citizen of the United Kingdom and Colonies in pursuance of such an application as is mentioned in Regulation 4, 5, 6, 7, 8 or 9 or as a British subject in pursuance of such an application as is mentioned in Regulation 10 shall be effected at such place as the person to whom the application is made may direct.

Place of registration.

(2) If a person is entitled to be registered as a citizen of the United Kingdom and Colonies or as a British subject in pursuance of such an application as aforesaid made to a person other than the Secretary of State and the Secretary of State is satisfied that it is impracticable for the registration to be effected at a place directed by the person to whom the application was made, the registration shall be effected at such place as the Secretary of State may direct.

PART III.

NATURALIZATION AND RESUMPTION OF CITIZENSHIP AND NATIONALITY.

Application for naturalization

13. An application for a certificate of naturalization shall satisfy the requirements of Schedules 1 and 13.

Certificate of naturalization.

14. (1) A certificate of naturalization granted by the Secretary of State shall be in the form set out in Schedule 14 and shall be signed by an officer of the Home Department not below the rank of Assistant Secretary.

(2) A certificate of naturalization granted by the Governor of any of the Channel Islands, the Isle of Man or a colony, protectorate or protected state shall be similar to a certificate granted by the Secretary of State and shall be signed by the Governor or by a person authorized by him in that behalf.

(3) Where in accordance with the provisions of section 10(2) of the Act of 1948 the Secretary of State has given his approval to the grant of a certificate of naturalization by the Governor of a place mentioned in the last foregoing paragraph, the approval of the Secretary of State shall be signified by adding to the certificate a statement to that effect, which shall be signed by a person authorized by him in that behalf.

Oath of allegiance for purpose of naturalization.

15. (1) The oath of allegiance required by section 10(1) of the Act of 1948 to be taken by a person to whom a certificate of naturalization has been granted shall be subscribed and attested in the form set out in Schedule 7 in accordance with the requirements of paragraph 4 of Schedule 1 and as so subscribed and attested shall be endorsed on the certificate of naturalization to which it relates.

(2) The oath of allegiance required as aforesaid shall be taken within one calendar month of the date of the certificate of naturalization to which it relates, or within such extended time as the Secretary of State (in the case of any certificate) or the Governor of a place mentioned in paragraph (2) of the last fore-

going Regulation (in the case of a certificate granted by the Governor of that place) may permit, and if the oath is not taken within the said time the certificate shall have no effect:

Provided that permission shall not be deemed to have been given under this paragraph unless a statement to that effect is endorsed on the certificate and signed by a person authorized by the last foregoing Regulation to sign a certificate of naturalization.

(3) The oath of allegiance required as aforesaid shall be registered—

- (a) if the certificate of naturalization to which it relates is granted by the Secretary of State, at the Home Office;
- (b) in any other case, in such place as the Governor who grants the certificate may direct or, if no such direction is given, at the Home Office.

(4) Where the oath of allegiance is registered in accordance with the directions of the Governor under the last foregoing paragraph, he shall cause a copy of the oath and of the certificate of naturalization to which it relates to be sent to the Home Office.

16. A declaration of intention to resume British nationality under section 16(2) of the Act of 1948 shall be made to the Secretary of State and satisfy the requirements of Schedules 1 and 15.

Declaration of intention to resume nationality made under section 16(2) of the Act of 1948.

17. A declaration of intention to resume citizenship of the United Kingdom and Colonies under section 4(2) of the Cyprus Act 1960 shall be made to the Secretary of State and satisfy the requirements of Schedules 1 and 16.

Declaration of intention to resume citizenship made under section 4(2) of the Cyprus Act 1960.

18. Such a declaration as is mentioned in Regulation 16 or 17 shall be registered at the Home Office.

Place of registration of declaration of intention to resume nationality or citizenship.

PART IV.

RENUNCIATION AND DEPRIVATION OF CITIZENSHIP AND NATIONALITY.

19. (1) A declaration of renunciation of citizenship of the United Kingdom and Colonies under section 19(1) of the Act of 1948 shall satisfy the requirements of Schedules 1 and 17.

Declaration of renunciation of citizenship.

(2) Such a declaration as is mentioned in paragraph (1) shall be made—

- (a) if the declarant is resident in a country mentioned in section 1(3) of the Act of 1948 in which there is a High Commissioner, to that High Commissioner;
- (b) in any other case, to the Secretary of State at the Home Office.

(3) Such a declaration as is mentioned in paragraph (1) shall, subject to the provisions of the said section 19(1), be registered at such place as the person to whom the declaration is made may direct.

Notice of proposed deprivation of citizenship or nationality.

20. (1) When it is proposed to make an order under section 20 of the Act of 1948 depriving a person of his citizenship of the United Kingdom and Colonies or under section 3 of the Act of 1965 depriving a person of the status of British subject by virtue of section 1 of that Act, the notice required by section 20(6) of the Act of 1948 to be given to that person may be given—

- (a) in a case where that person's whereabouts are known, by causing the notice to be delivered to him personally or by sending it to him by post;
- (b) in a case where that person's whereabouts are not known, by sending it to his last known address.

(2) Where the Secretary of State has given notice as aforesaid and the person to whom it is given has the right, on making application therefor, to an inquiry under section 20(7) of the Act of 1948, the application shall be made—

- (a) if that person is in the United Kingdom at the time when the notice is given to him, within twenty-one days from the giving of the notice;
- (b) in any other case, within such time, not being less than twenty-one days from the giving of the notice, as the Secretary of State may determine:

Provided that the Secretary of State may in special circumstances at any time extend the time within which the application may be made.

(3) Where the Governor of any of the Channel Islands, the Isle of Man or a colony, protectorate or protected state has given notice as aforesaid, the provisions of the last foregoing paragraph shall apply with the substitution for references to the Secretary of State of references to the Governor and the substitution for the reference to the United Kingdom of a reference to that island, colony, protectorate or state.

(4) Any notice given in accordance with the provisions of this Regulation shall, in a case in which the person to whom it is given has the right, on making application therefor, to an inquiry under section 20(7) of the Act of 1948, include a statement of the time within which such application must be made.

21. Where an order has been made depriving a person who is a citizen of the United Kingdom and Colonies by registration of that citizenship or depriving a person who is a British subject by virtue of section 1 of the Act of 1965 of that status, the name of that person shall be removed from the register of citizens of the United Kingdom and Colonies or, as the case may be, from the register of British subjects by virtue of the said section 1.

Cancellation of registration of person deprived of citizenship or nationality.

22. Where an order has been made depriving a person naturalized in the United Kingdom and Colonies of his citizenship of the United Kingdom and Colonies, the person so deprived or any other person in possession of the relevant certificate of naturalization shall, if required by notice in writing given by the Secretary of State or any Governor having power to deprive persons of that citizenship, deliver up the said certificate to such person, and within such time, as may be specified in the notice; and the said certificate shall thereupon be cancelled or amended.

Cancellation and amendment of certificate of naturalization in case of deprivation of citizenship.

PART V.

SUPPLEMENTAL.

23. Where the preceding provisions of these Regulations require that an application or declaration shall satisfy requirements set out in a Schedule, those requirements shall be treated as satisfied if the application or declaration is made in a form authorized by the Secretary of State or other authority to whom the application or declaration is made, if in the opinion of the Secretary of State or that other authority, as the case may be, the form so authorized is suitable in the circumstances of a particular case.

Authorized forms.

24. A certificate of citizenship in case of doubt given under section 25 of the Act of 1948 shall be signed by an officer of the Home Department not below the rank of Assistant Secretary.

Certificate of citizenship in case of doubt.

25. A document may be certified to be a true copy of a document for the purpose of section 27(2) of the Act of 1948 by means of a statement in writing to that effect signed by a person authorized by the Secretary of State, the High Commissioner or the Governor in that behalf.

Evidence.

Fees.

26. (1) Subject to the provisions of this Regulation, the fees specified in Schedule 18 may in the United Kingdom be taken and shall be applied in the manner set out in the said Schedule, and in any country mentioned in section 1(3) of the Act of 1948, the like fees (or fees of the corresponding amounts in the local currency) may be taken and shall be applied in the like manner as fees taken in the United Kingdom:

Provided that no fee shall be taken under this Regulation for witnessing the signing of an application or declaration or for administering the oath of allegiance, in a case where the application or declaration is witnessed, or the oath administered, by a justice of the peace.

(2) Of the fee payable in respect of the grant of a certificate of naturalization, two pounds (if the applicant is a British protected person) and three pounds (if the applicant is an alien) shall be payable on the submission of the application for a certificate, and the balance shall be payable on the receipt of the decision to grant a certificate:

Provided that where a husband and wife apply at the same time for certificates and are residing together at the time of the applications and the balance is paid in respect of the grant of a certificate to one of them, no balance shall be payable in respect of the grant of a certificate to the other.

Application in relation to associated states.

27. (1) In relation to an associated state a reference in these Regulations to a colony shall be construed as if it included a reference to such a state but in relation to an associated state any reference to the Governor shall be construed as a reference to the Secretary of State or, where he has issued a relevant direction under paragraph 4 of Schedule 3 to the West Indies Act 1967, to the person, or the person for the time being holding the office, specified in the direction.

(2) In accordance with paragraph (1), by reason of the issue of such directions as aforesaid, any reference in these Regulations to the Governor shall be construed—

- (a) in relation to the associated state of Antigua, of Dominica, of Saint Christopher, Nevis and Anguilla or of Saint Lucia, as a reference to the person holding the office of Secretary to the Cabinet;
- (b) in relation to the associated state of Grenada, as a reference to the person holding the office of Permanent Secretary to the Premier.

(3) Regulation 14(3) shall have effect as if the reference therein to section 10(2) of the Act of 1948 included a reference to paragraph 5 of Schedule 3 to the West Indies Act 1967.

JAMES CALLAGHAN,
*One of Her Majesty's Principal
Secretaries of State.*

21st May 1969.

We consent to Regulation 26 of these Regulations.

WALTER HARRISON,
E. ALAN FITCH,
*Two of the Lords Commissioners
of Her Majesty's Treasury.*

27th May 1969.

SCHEDULE 1. [Regs. 4 to 10, 13,
15 to 17 and 19.]

GENERAL REQUIREMENTS AS RESPECTS APPLICATIONS, ETC.

1. An application or declaration shall be made in writing and shall state the name, address, age and date of birth of the applicant or declarant.
2. An application, other than such an application as is mentioned in Regulation 6, 7, 8, 9 or 13 shall state whether the applicant has ever renounced or been deprived of citizenship of the United Kingdom and Colonies.
3. An application or declaration shall contain a statutory declaration that the particulars stated therein are true.
4. An application or declaration shall be signed in the presence of, and an oath of allegiance shall be of no effect unless administered by, one of the following persons:—
 - (a) in England, Wales or Northern Ireland—
any justice of the peace, commissioner authorized to administer oaths in the Supreme Courts or notary public;
 - (b) in Scotland—
any sheriff, sheriff-substitute, justice of the peace or notary public;
 - (c) in the Channel Islands, the Isle of Man or any colony, protectorate or protected state—
any judge of any court of civil or criminal jurisdiction, any justice of the peace or magistrate, or any person for the time being authorized by the law of the place where the applicant, declarant or deponent is, to administer an oath for any judicial or other legal purpose;

- (d) in any country mentioned in section 1(3) of the Act of 1948, in the Republic of Ireland or in any territory administered by the government of any such country—

any person for the time being authorized by the law of the place where the applicant, declarant or deponent is, to administer an oath for any judicial or other legal purpose;

- (e) elsewhere—

any consular officer of Her Majesty's government in the United Kingdom or any person authorized by the Secretary of State in that behalf:

Provided that if the applicant, declarant or deponent is serving in Her Majesty's naval, military or air forces, the application or declaration may be signed in the presence of, or the oath administered by, any officer holding a commission in any of those forces, whether the application, declaration or oath is made or taken in the United Kingdom or elsewhere.

SCHEDULE 2.

[Reg. 4(2).]

BRITISH NATIONALITY ACT 1948, SECTION 6(1).

COMMONWEALTH IMMIGRANTS ACT 1962, SECTION 12(2).

Application for registration as a citizen of the United Kingdom and Colonies made by a British subject or citizen of the Republic of Ireland on the ground of ordinary residence or Crown service.

1. The application shall contain sufficient information to satisfy the authority to whom it is made (hereinafter referred to as "the appropriate authority") that the applicant—

- (a) is a British subject or a citizen of the Republic of Ireland;
- (b) is of full age and capacity;
- (c) has been, throughout the period of 5 years (or such shorter period as is specified in accordance with paragraph 2) ending with the date of the application—
 - (i) ordinarily resident in the United Kingdom or, as the case may be, in a dependency mentioned in Regulation 11(7) and specified in the application, or
 - (ii) in Crown service under Her Majesty's government in the United Kingdom, or
 - (iii) partly the one and partly the other.

2. If the applicant desires that a qualifying period shorter than 5 years should be accepted, the application shall specify the shorter period and the special circumstances which the applicant desires should be taken into consideration by the appropriate authority.

SCHEDULE 3.

[Reg. 4(2).]

BRITISH NATIONALITY ACT 1948, SECTION 6(1).

BRITISH NATIONALITY ACT 1958, SECTION 3(2).

COMMONWEALTH IMMIGRANTS ACT 1962, SECTION 12(2).

Application for registration as a citizen of the United Kingdom and Colonies made by a British subject or citizen of the Republic of Ireland on the ground of service other than Crown service.

1. The application shall contain sufficient information to satisfy the authority to whom it is made (hereinafter referred to as "the appropriate authority") that the applicant—

- (a) is a British subject or a citizen of the Republic of Ireland;
- (b) is of full age and capacity;
- (c) has been, throughout the period of 5 years (or such shorter period as is specified in accordance with paragraph 2) ending with the date of the application, serving—
 - (i) under an international organization of which Her Majesty's government in the United Kingdom is a member; or
 - (ii) in the employment of a society, company or body of persons established in the United Kingdom, or, as the case may be, in a dependency mentioned in Regulation 11(7) and specified in the application.

2. If the applicant desires that a qualifying period of service shorter than 5 years should be accepted, the application shall specify the shorter period and the special circumstances which the applicant desires should be taken into consideration by the appropriate authority.

3. The application shall state the nature of the applicant's connexion with the United Kingdom and Colonies.

4. The application shall show where the applicant has been ordinarily resident throughout the period of 5 years ending with the date of the application, and shall state whether he has been in Crown service under Her Majesty's government in the United Kingdom during that period or any part of it.

SCHEDULE 4.

[Reg. 4(3).]

BRITISH NATIONALITY ACT 1948, SECTION 6(1).

COMMONWEALTH IMMIGRANTS ACT 1962, SECTION 12(2).

SOUTH AFRICA ACT 1962, SECTION 1.

Application for registration as a citizen of the United Kingdom and Colonies made by a citizen or former citizen of the Republic of South Africa on the ground of ordinary residence or Crown service.

1. The application shall contain sufficient information to satisfy the authority to whom it is made (hereinafter referred to as "the appropriate authority") that the applicant—

- (a) is a citizen of the Republic of South Africa or has renounced or been deprived of that citizenship on the date specified in the application;
- (b) is of full age and capacity;

- (c) gave notice under paragraph 2 of Schedule 1 to the South Africa Act 1962 on the date specified in the application (being a date not later than 31st December 1965) of his intention to make application for registration as a citizen of the United Kingdom and Colonies;
- (d) has been throughout the period of 5 years (or such shorter period as is specified in accordance with paragraph 2) ending with the date of the application—
- (i) ordinarily resident in the United Kingdom or, as the case may be, in a dependency mentioned in Regulation 11(7) and specified in the application; or
 - (ii) in Crown service under Her Majesty's government in the United Kingdom; or
 - (iii) partly the one and partly the other.
2. If the applicant desires that a qualifying period shorter than 5 years should be accepted, the application shall specify the shorter period and the special circumstances which the applicant desires should be taken into consideration by the appropriate authority.

SCHEDULE 5.

[Reg. 4(3).]

BRITISH NATIONALITY ACT 1948, SECTION 6(1).
 BRITISH NATIONALITY ACT 1958, SECTION 3(2).
 COMMONWEALTH IMMIGRANTS ACT 1962, SECTION 12(2).
 SOUTH AFRICA ACT 1962, SECTION 1.

Application for registration as a citizen of the United Kingdom and Colonies made by a citizen or former citizen of the Republic of South Africa on the ground of service other than Crown service.

1. The application shall contain sufficient information to satisfy the authority to whom it is made (hereinafter referred to as "the appropriate authority") that the applicant—
- (a) is a citizen of the Republic of South Africa or has renounced or been deprived of that citizenship on the date specified in the application;
 - (b) is of full age and capacity;
 - (c) gave notice under paragraph 2 of Schedule 1 to the South Africa Act 1962 on the date specified in the application (being a date not later than 31st December 1965) of his intention to make application for registration as a citizen of the United Kingdom and Colonies;
 - (d) has been, throughout the period of 5 years (or such shorter period as is specified in accordance with paragraph 2) ending with the date of the application, serving—
 - (i) under an international organization of which Her Majesty's government in the United Kingdom is a member; or
 - (ii) in the employment of a society, company or body of persons established in the United Kingdom or, as the case may be, in a dependency mentioned in Regulation 11(7) and specified in the application.

2. If the applicant desires that a qualifying period of service shorter than 5 years should be accepted, the application shall specify the shorter period and the special circumstances which the applicant desires should be taken into consideration by the appropriate authority.

3. The application shall state the nature of the applicant's connexion with the United Kingdom and Colonies.

4. The application shall show where the applicant has been ordinarily resident throughout the period of 5 years ending with the date of the application, and shall state whether he has been in Crown service under Her Majesty's government in the United Kingdom during that period or any part of it.

SCHEDULE 6.

[Reg. 5(2).]

BRITISH NATIONALITY ACT 1948, SECTION 6(2).

Application for registration as a citizen of the United Kingdom and Colonies made by a woman who has been married to a citizen of the United Kingdom and Colonies.

1. The application shall state whether the applicant is a British subject, a citizen of the Republic of Ireland, a British protected person, an alien who is a subject or citizen of a foreign country or a stateless alien.

2. The application shall contain sufficient information to satisfy the authority to whom it is made that the applicant—

- (a) has been married to a citizen of the United Kingdom and Colonies, and
- (b) is, where it is so stated, a British subject or citizen of the Republic of Ireland.

SCHEDULE 7.

[Regs. 5(2), 10(2) and 15(1).]

BRITISH NATIONALITY ACT 1948, SECTION 6(2).

BRITISH NATIONALITY ACT 1948, SECTION 10.

BRITISH NATIONALITY ACT 1965, SECTION 1.

OATH OF ALLEGIANCE.

I, A.B., swear by Almighty God that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law.

(Signed) A.B.

Sworn and subscribed this day of 19 before me,

(Signed) X.Y.,

[Justice of the Peace, Commissioner,
 Notary Public or other official title.]

SCHEDULE 8. [Reg. 6(2).]

BRITISH NATIONALITY ACT 1948, SECTION 7(1).

Application for registration of a minor child of a citizen of the United Kingdom and Colonies as a citizen thereof.

1. The application shall contain sufficient information to satisfy the authority to whom it is made—

- (a) that the applicant is a parent or guardian of the child and, if he is a guardian, as to how he became such, and
- (b) that the child is a child of a citizen of the United Kingdom and Colonies.

2. The application shall state the reasons for which it is desired that the child should be registered as a citizen of the United Kingdom and Colonies.

SCHEDULE 9. [Reg. 7(2).]

BRITISH NATIONALITY ACT 1948, SECTION 12(6).

BRITISH NATIONALITY ACT 1958, SECTION 3(1)(b)(iii) AND (c).

Application for registration as a citizen of the United Kingdom and Colonies made by a former British subject.

1. The application shall contain sufficient information to satisfy the authority to whom it is made that the applicant—

- (a) was a British subject immediately before 1st January 1949;
- (b) was, on that date, a citizen or potentially a citizen of a country mentioned in section 1(3) of the Act of 1948, as originally enacted and, but for that citizenship or potential citizenship, would have become a citizen of the United Kingdom and Colonies by virtue of section 12(4) of that Act;
- (c) having been on that date a citizen of such a country, or having subsequently been made one by the coming into operation of a law of that country, lost that citizenship otherwise than by his own act done for the purpose and thereby ceased to be a British subject;
- (d) is of full age and capacity.

2. The application shall state the nature of the applicant's connexion with the United Kingdom and Colonies.

3. If the application is intended to relate to any of the children of the applicant, it shall so state and the names, dates of birth and places of birth of the children in question shall be specified.

SCHEDULE 10. [Reg. 8(2).]

BRITISH NATIONALITY ACT 1964, SECTION 1.

Application for registration as a citizen of the United Kingdom and Colonies made by a person who has ceased to be a citizen of the United Kingdom and Colonies as a result of a declaration of renunciation for the purpose of remaining or becoming a citizen of a country mentioned in section 1(3) of the Act of 1948.

1. The application shall contain sufficient information to satisfy the authority to whom it is made (hereinafter referred to as "the appropriate authority") that the applicant—

- (a) has ceased to be a citizen of the United Kingdom and Colonies as a result of a declaration of renunciation made under section 19 of the Act of 1948;
- (b) at the time of the declaration was, or was about to become, a citizen of a country mentioned in section 1(3) of the Act of 1948;
- (c) either could not have remained or become such a citizen but for the declaration or had reasonable cause to believe that he would be deprived of his citizenship of that country unless he made the declaration;
- (d) unless he makes such a statement as is mentioned in paragraph 4, has a qualifying connexion (as defined in paragraph 2) with the United Kingdom and Colonies or a protectorate or protected state specified in the application, or, if the applicant is a woman, that she has been married to a person who has, or would, if living, have, such a connexion;
- (e) is of full capacity.

2. For the purpose of paragraph 1(d) a person has a qualifying connexion—

- (a) in relation to the United Kingdom and Colonies, if he, his father or his father's father—
 - (i) was born in the United Kingdom or a colony; or
 - (ii) is or was a person naturalized in the United Kingdom and Colonies; or
 - (iii) was registered as a citizen of the United Kingdom and Colonies; or
 - (iv) became a British subject by reason of the annexation of any territory included in a colony;
- (b) in relation to a protectorate or protected state, if—
 - (i) he was born there; or
 - (ii) his father or his father's father was born there and is or at any time was a British subject.

3. Any reference in paragraph 1 or 2 to any country, or to countries or territories of any description, shall be construed as referring to that country or description as it exists at the date on which the application is made to the appropriate authority; and paragraph 2(a) does not apply to any person by virtue of any certificate of naturalization granted or registration effected by the Governor or Government of a country or territory outside the United Kingdom which is not at that date a colony, protectorate or protected state.

4. If the applicant does not have a qualifying connexion as defined in paragraph 2 the application shall state the factors which the applicant wishes the appropriate authority to take into account in considering the application.

SCHEDULE 16.

[Reg. 17.]

CYPRUS ACT 1960, SECTION 4(2).

Declaration of intention to resume citizenship of the United Kingdom and Colonies.

1. The declaration shall contain sufficient information to satisfy the Secretary of State that the declarant—

- (a) was granted citizenship of the Republic of Cyprus in pursuance of an application made in accordance with section 4 or 5 of Annex D to the Treaty concerning the Establishment of the Republic of Cyprus before he attained the age of 16 years, and
- (b) immediately before being granted such citizenship was a citizen of the United Kingdom and Colonies.

SCHEDULE 17.

[Reg. 19(1).]

BRITISH NATIONALITY ACT 1948, SECTION 19.

BRITISH NATIONALITY ACT 1964, SECTION 2.

Declaration of renunciation of citizenship.

1. The declaration shall contain sufficient information to satisfy the authority to whom it is made that the declarant—

- (a) is a citizen of the United Kingdom and Colonies;
- (b) is of full age and capacity;
- (c) except where paragraph 2 applies, is a citizen or national of another country specified in the declaration.

2. If the declarant is not a citizen or national of another country the declaration shall state that to the best of his knowledge or belief he is about to become such a citizen or national, and shall state the reasons for that belief.

SCHEDULE 18.

[Reg. 26(1).]

TABLE OF FEES.

Matter in which fee may be taken.	Amount of fee.	To whom fee is to be paid.
	£ s. d.	
Registration of a woman who is a British protected person or an alien as a citizen under s. 6(2) of the British Nationality Act 1948.	2 0 0	Into the Exchequer in accordance with Treasury directions.

Matter in which fee may be taken.	Amount of fee.	To whom fee is to be paid.
	£ s. d.	
Registration of a woman as a British subject under s. 1 of the British Nationality Act 1965.	2 0 0	The same.
Registration of a minor who is a British protected person or an alien as a citizen under s. 7 of the British Nationality Act 1948—		
Subject as hereinafter provided, where the minor is a British protected person;	7 10 0	The same.
Subject as hereinafter provided, where the minor is an alien;	15 0 0	
If the application for the minor's registration was made at the same time as an application by one of his parents for a certificate of naturalization;	2 0 0	
If the application for the minor's registration was made at the same time as an application for the registration of another minor child of the same parent, except in the case of the first child registered in pursuance of those applications.	2 0 0	
Registration of a stateless person as a citizen under s. 1 of the British Nationality (No. 2) Act 1964.	2 0 0	
Grant of a certificate of naturalization—		
To a British protected person;	15 0 0	The same.
To an alien.	30 0 0	
Grant of a certificate of citizenship in case of doubt.	15 0 0	The same.

Matter in which fee may be taken.	Amount of fee.	To whom fee is to be paid.
	£ s. d.	
Witnessing the signing of an application or declaration mentioned in paragraph 4 of Schedule 1 to these Regulations.	5 0	In England or Northern Ireland, if the application or declaration is witnessed, or the oath administered, by a commissioner or notary public to the commissioner or notary public.
Administering the oath of allegiance.	5 0	
Registration of a declaration of intention to resume British Nationality.	2 0 0	Into the Exchequer in accordance with Treasury directions.
Registration of a declaration of renunciation of citizenship other than a declaration made in the circumstances mentioned in s. 1(1)(a) of the British Nationality Act 1964.	2 0 0	The same.
Supplying a certified true copy of any notice, certificate, order, declaration or entry given, granted or made by or under the British Nationality Act 1948.	10 0	The same.

For the purposes of this Schedule—

- (a) any reference to a child and his parent includes a reference to a step-child and his step-parent, to an illegitimate child and his mother and to an adopted child and his adoptive parent, and
- (b) where two or more children of the same parent are registered on the same occasion, the eldest of those children shall be treated as the first child registered on that occasion.

Explanatory Note.

(This Note is not part of the Regulations).

These Regulations consolidate with amendments the British Nationality Regulations 1965 and the British Nationality (Amendment) Regulations 1968.

The principal changes are that the forms of applications and declarations under the British Nationality Acts are not prescribed; instead the information which must be contained in applications or declarations to which the Regulations relate is specified. The form of an oath of allegiance and of a certificate of naturalization, however, continue to be prescribed (in Schedules 7 and 14 respectively).

105
1969 No. 735.

FOREIGN COMPENSATION.

The Foreign Compensation.

(Union of Soviet Socialist Republics) Order 1969.

Made - - - - - 23rd May 1969.

Laid before Parliament - 30th May 1969.

Coming into Operation - 16th June 1969.

At the Court at Holyroodhouse, the 23rd day of May 1969.

Present,

The Queen's Most Excellent Majesty in Council.

WHEREAS Her Majesty is authorized to make provision by Order in Council under section 3 of the Foreign Compensation Act 1950(a) (hereinafter referred to as "the Act of 1950") as amended by section 2(1) of the Foreign Compensation Act 1969(b) (hereinafter referred to as "the Act of 1969") for the determination by the Foreign Compensation Commission (hereinafter referred to as "the Commission") of claims to participate in compensation received under an agreement with the government of any other country, and for the distribution by the Commission of such compensation:

AND WHEREAS Her Majesty is authorized by section 2(2) of the Act of 1969 to make the like provision by Order in Council under the said section 3 with respect to money paid to the Commission by virtue of section 1(3) or (4) of the Act of 1969:

AND WHEREAS, consequent upon a settlement reached on 12th February 1967 and the formulation thereof contained in the Agreement entered into on 5th January 1968 between Her Majesty's Government in the United Kingdom and the Government of the Union of Soviet Socialist Republics, it is intended to pay money to the Commission as aforesaid:

NOW, THEREFORE, Her Majesty, by virtue and in exercise of the powers in that behalf by the Acts of 1950 and 1969 or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

(a) 1950 c. 12.

(b) 1969 c. 20.

PART I.

COMMENCEMENT, CITATION AND INTERPRETATION.

1. This Order shall come into operation on 16th June 1969, and may be cited as the Foreign Compensation (Union of Soviet Socialist Republics) Order 1969.

2. (1) The Interpretation Act 1889(a) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament, and as if this Order were an Act of Parliament.

(2) In this Order:—

“Baltic State” means Estonia, Latvia or Lithuania (including Memel and the city and territory of Vilna);

“British national” means—

- (a) any individual who was at the material time, or who as regards any material time prior to 1st January 1949 would have been had the British Nationality Act 1948(b) and the British Protectorates, Protected States and Protected Persons Order in Council 1949(c) been in force at that time, a citizen of the United Kingdom and Colonies, a British subject by virtue of section 2, 13 or 16 of that Act or the British Nationality Act 1965(d), or a British protected person within the meaning of the said Act of 1948; provided that, as regards any material time prior to 16th May 1948, the expression “British protected person” shall be deemed to include a person who was at that time a Palestinian citizen under the Palestinian Citizenship Orders 1925 to 1942(e);
- (b) any individual who as regards any material time after 31st December 1949 was a citizen of Southern Rhodesia or a citizen of Rhodesia and Nyasaland;
- (c) any individual who as regards any material time after 31st October 1957 and prior to 17th September 1963 was a citizen of Singapore;
- (d) any corporation, firm or association incorporated or constituted under the laws in force in the United Kingdom or in any territory for whose international relations Her Majesty’s Government in the United Kingdom were, at the material time, responsible.

(a) 1889 c. 63.

(b) 1948 c. 56.

(c) S.I. 1949/140 (1949 I, p. 522).

(d) 1965 c. 34.

(e) S.R. & O. 1925/777; 1931/671; 1939/863; 1941/1121; 1942/1177; (1925 p. 474; 1931 p. 467; 1939 II, p. 1658; 1941 I, p. 356; 1942 I, p. 216).

“Ceded territory” means territory ceded to the Union of Soviet Socialist Republics—

- (a) by Czechoslovakia under an Agreement of 29th June 1945;
- (b) by Finland under the Treaty of Peace between the Union of Soviet Socialist Republics and the Republic of Finland of 12th March 1940;
- (c) by Finland under an Agreement of 19th September 1944, which cession was confirmed by the Treaty of Peace with Finland of 10th February 1947;
- (d) by Finland under an Agreement of 3rd February 1947;
- (e) by Poland under an Agreement of 16th August 1945;
- (f) by Poland under an Agreement of 15th February 1951; or
- (g) by Rumania under an Agreement of 28th June 1940, which cession was confirmed by the Treaty of Peace with Rumania of 10th February 1947.

“Company” includes a body corporate.

“Debt” means a sum due or owing, or a claim for unliquidated damages, or a sum deposited in a bank in a Baltic State or ceded territory but not transferred, in respect of—

- (a) a contract for the sale of goods or a bill of exchange given for the discharge of obligations under any such contract,
- (b) the servicing, preservation, transport, insuring or advertising of goods in the course of trade, whether or not the goods are the subject of any such contract as aforesaid,
- (c) an agency contract, other than one relating to a contract of insurance or to a treaty or contract of reinsurance,
- (d) a contract for the payment of royalties or for the manufacture of goods under licence,
- (e) professional charges or disbursements,
- (f) a contract of insurance (including life and endowment assurance but not including a treaty or contract of reinsurance) concluded with an insurance company incorporated or constituted in a Baltic State or ceded territory,
- (g) shipping or transport services, or
- (h) an advance, loan, acceptance credit, or other facility originally granted in the course of business.

"External bond" means a bond forming part of a bond issue specified in column 1 of Schedule 1 to this Order.

"Internal bond" means a bond or other document of title in respect of a loan or obligation issued or guaranteed after 27th June 1919 and before the relevant date by the Government of a Baltic State or by a municipal authority in a Baltic State or ceded territory, other than an external bond.

"Material time" means any time or date at which it is material for the purposes of this Order to determine whether or not a person is a British national.

"Predecessor in title" means any person from whom, whether directly or indirectly, a person making application under this Order (including a trustee) has succeeded, whether by assignment or otherwise, to the property or claim to which the application relates. For the purpose of considering any question of succession, every claim shall be deemed (i) to have arisen at the relevant date but no claim shall be barred by any lapse of time thereafter, and (ii) to have been capable of transfer and transmission in the same manner as the property to which it relates.

"Property" includes all rights or interests of any kind in property.

"Relevant date" means in relation to each of the areas described in column 1 of Schedule 2 to this Order the date in column 2 of the said Schedule in respect of that area or, in the case of an application under Article 13 of the Order if the person making the application so elects, such other date after the said date in column 2 of the Schedule and before 13th February 1967 as he may establish to the satisfaction of the Commission to be the date on which he or his predecessor in title or, if he is a trustee, the person for whom he is a trustee or the predecessor in title of such person was deprived of the title to or enjoyment of the property to which the application relates.

"Rules of the Commission" means rules made by the Commission with the approval of the Lord Chancellor under section 4(2) of the Act of 1950 regulating the procedure of the Commission in determining applications made under this Order.

"Share" includes stock, a debenture, debenture stock and any funded obligation of a company.

"State Note" means any of the Union of the Soviet Socialist Republics State Notes issued either

- (a) to the Tetiue Mining Corporation Limited, or
- (b) to Lena Goldfields Limited.

"Trustee" includes a personal representative of a deceased person or a nominee; and "beneficiary" shall have a corresponding meaning.

PART II.

THE FUND.

3. The Commission shall pay into a fund to be called the Union of Soviet Socialist Republics Compensation Fund (hereinafter referred to as "the Fund") all such sums as may be paid to them by virtue of section 1(3) or (4) of the Act of 1969.

4. (1) Any sums standing to the credit of the Fund may be temporarily invested by the Commission in such manner as the Treasury may authorize.

(2) All interest, dividends and other sums received by the Commission as a result of any investment made by them of any sum standing to the credit of the Fund shall be paid into the Fund.

5. When it appears to the Secretary of State that all payments to be made into the Fund have been made and that all payments which it is practicable to make out of the Fund have been made, he may direct that the Fund shall be wound up and that any sum remaining therein shall be paid into the Consolidated Fund.

PART III.

GENERAL PROVISIONS CONCERNING THE ESTABLISHMENT OF CLAIMS.

6. (1) An application shall not be entertained by the Commission for the purposes of this Order unless it has reached the Commission on or before 31st December 1969.

(2) An application shall not be entertained by the Commission for the purposes of this Order unless it is made in accordance with the Rules of the Commission.

7. Each application made under this Order shall be determined by not less than two members of the Commission, provided that—

- (a) if the aggregate of all amounts claimed by an applicant under Parts IV and VI of the Order does not exceed £10,000, the provisional determination of the application may be made by one member of the Commission;

- (b) notwithstanding paragraph (a) of this Article, no claim shall be dismissed except upon determination by not less than two members of the Commission.

8. Subject to the provisions of this Order, the Commission shall assess the amount of loss with respect to each claim established under the Order as may seem just and equitable to them having regard to all the circumstances, and shall dismiss each claim which is not so established.

9. Where any amount which is material to the determination of an application made under this Order is expressed in a unit of foreign currency, the value in sterling of that amount shall be determined in accordance with the rate of exchange for that currency set forth in columns 3 and 4 of Schedule 2 to this Order in respect of the area to which the claim relates, or, if there is no such rate, such rate as the Treasury may determine.

10. In assessing the amount of loss or interest with respect to any claim established under this Order the Commission shall have regard to any compensation, recoupment or payment in respect of that loss or interest that the person making the application or his predecessor in title or any trustee for such person or predecessor in title or, if the person making the application is a trustee, any beneficiary or any predecessor in title of any beneficiary has received or may, if he exercises diligence, be reasonably expected to receive from any source other than the Fund.

PART IV.

CLAIMS IN RESPECT OF DEBTS, BANK BALANCES, SHARES, INTERNAL BONDS AND OTHER PROPERTY.

11. No application may be made under this Part of the Order in respect of an external bond, a State Note, or any matter referred to in Part V of the Order.

12. (1) The following persons shall be qualified to make application to the Commission for the purpose of establishing claims under this Part of the Order—

- (a) Her Majesty's Government in the United Kingdom and the Government of any territory for the international relations of which Her Majesty's Government in the United Kingdom were, on the date of coming into operation of this Order, responsible;
- (b) any person who was a British national on the date of coming into operation of this Order;

- (c) any person who after the date of coming into operation of this Order has succeeded, whether by assignment or otherwise, to the claim of any person qualified under sub-paragraph (b) above; and
- (d) a trustee for any person qualified under sub-paragraph (b) or (c) above.

(2) An application under this Part of the Order may be made by a trustee qualified under paragraph (1) of this Article or by a beneficiary so qualified. An application by a trustee shall, however, be entertained by the Commission only in so far as the beneficial interest in the property or in the claim to which the application relates was, at the material times, owned by a British national.

(3) If application under this Part of the Order is made by a trustee and by a beneficiary in relation to the same claim, and both the trustee and the beneficiary are qualified under paragraph (1) of this Article, the Commission may entertain the application made by the trustee in preference to that made by the beneficiary, or entertain the application made by the beneficiary in preference to that made by the trustee. The Commission shall dismiss the application by the trustee or by the beneficiary, as the case may be, which it has decided not to entertain.

13. (1) To establish a claim under this Part of the Order in respect of property (other than a debt, a balance in a bank, a share or an internal bond), any person making application to the Commission shall be required to establish to the satisfaction of the Commission—

- (a) that he is a person qualified under Article 12 of this Order to make such application;
- (b) that immediately before the relevant date the property to which the application relates was situated in a Baltic State or ceded territory and was British property (as provided in paragraph (2) of this Article), provided that in the case of property situated in the area described in paragraph 8 of Schedule 2 to this Order it shall be sufficient to satisfy the Commission that the property was, or would but for any act of the kind referred to in paragraph (c) of this paragraph have been, British property immediately before 16th August 1945; and
- (c) that he or his predecessor in title or, if he is a trustee, the person for whom he is a trustee or the predecessor in title of such person has been deprived, on or after the relevant date and before 13th February 1967, of title to

or enjoyment of such property by any act of confiscation, nationalization, expropriation or other similar official act of dispossession and has suffered loss thereby.

(2) Property shall be deemed to be British property to the extent that it was beneficially owned by a British national.

(3) For purposes of sub-paragraph (c) of paragraph (1) of this Article, the Commission may, if they think fit, assume, without proof of any specific act of deprivation, that a person referred to in that sub-paragraph has been deprived of title to or enjoyment of the property by any act of the kind referred to in that sub-paragraph, if they are satisfied that he has lost the use or enjoyment of the property as a result of any action or course of conduct, on or after the relevant date, of the authorities of the area in which the property was situated.

14. (1) To establish a claim under this Part of the Order in respect of a debt or a balance in a bank, any person making application to the Commission shall be required to establish to the satisfaction of the Commission—

- (a) that he is a person qualified under Article 12 of this Order to make such application;
- (b) that his application relates—
 - (i) to a debt which at any time after 31st August 1939 and before the relevant date was owing to a British national from a person (other than a British national) resident or carrying on business in a Baltic State or ceded territory and which is still unpaid; or
 - (ii) to a balance which was held by a British national immediately before the relevant date in a bank in a Baltic State or ceded territory and which is still outstanding; and
- (c) that he is the person to whom the debt or the outstanding bank balance is owing.

(2) For the purposes of paragraph (1) of this Article and of Article 10 of this Order, the Commission may assume, if they think fit, that a debt or balance was irrecoverable on or after the relevant date.

15. To establish a claim under this Part of the Order in respect of a share, any person making application to the Commission shall be required to establish to the satisfaction of the Commission—

- (a) that he is a person qualified under Article 12 of this Order to make such application;

- (b) that the share was, or would but for any act of the kind referred to in sub-paragraph (d) of this paragraph have been, beneficially owned on 23rd November 1959 by a British national;
- (c) that the company to which the share related was incorporated or constituted in a Baltic State or ceded territory and was carrying on business at any time within three months immediately before the relevant date; and
- (d) that he or his predecessor in title or, if he is a trustee, the person for whom he is trustee or the predecessor in title of such person has suffered loss in respect of the share as a result of any act of confiscation, nationalization, expropriation or other similar official act of dispossession applied in a Baltic State or ceded territory on or after the relevant date to the share or to the company or any of its assets.

16. To establish a claim under this Part of the Order in respect of an internal bond, any person making application to the Commission shall be required to establish to the satisfaction of the Commission—

- (a) that he is a person qualified under Article 12 of the Order to make such application;
- (b) that he is, or would but for any official act of confiscation, cancellation or dispossession effected since the relevant date have been, the owner or beneficial owner of the bond;
- (c) that the bond was, or would but for any act of the kind referred to in sub-paragraph (b) of this paragraph have been, beneficially owned on 23rd November 1959 by a British national; and
- (d) that the whole or part of the loan or obligation to which the bond relates has not been repaid or discharged.

17. If any transfer of property to which a claim relates was effected in a Baltic State or ceded territory after 31st August 1939 and before the relevant date, that transfer shall be deemed for the purposes of this Part of the Order to have been null and void if it was effected under fraud or duress or without the consent of the person to whom the property belonged at the date of such transfer.

18. Subject to Article 17 of this Order, for the purposes of this Part of the Order any transfer or transmission of property before the relevant date shall be deemed to have been governed by the law as on 31st August 1939 of the country in which the

property was situate and the Commission may assume that the estate of a deceased person devolved as on an intestacy unless the contrary be shown.

19. Subject to Article 10 of this Order, the Commission shall, in assessing the amount of loss with respect to each claim established under this Part of the Order, add to the amount of the capital loss assessed by the Commission simple interest thereon at the rate of four per cent per annum for the period from the relevant date to 12th February 1967 (both dates inclusive).

PART V.

CLAIMS IN RESPECT OF SHIPPING SERVICES AND SUPPLIES.

20. Her Majesty's Government in the United Kingdom shall be qualified to make application to the Commission for the purpose of establishing a claim under this Part of the Order in respect of the provision, under the Ships' Expenses and Freights Agreement between Her Majesty's Government in the United Kingdom and the Government of the Union of Soviet Socialist Republics of 22nd June 1942, of services and supplies connected with shipping for the benefit of the Government of the Union of Soviet Socialist Republics.

21. To establish a claim under this Part of the Order, Her Majesty's Government in the United Kingdom shall be required to establish to the satisfaction of the Commission the amount outstanding in respect of charges made by Her Majesty's Government in the United Kingdom for such services and supplies after taking into account the value of services and supplies provided by the Government of the Union of Soviet Socialist Republics for the benefit of Her Majesty's Government under the said Agreement of 22nd June 1942.

22. The Commission shall, in assessing the amount of the loss with respect to a claim established under this Part of the Order, add to the amount of the capital loss assessed by the Commission simple interest thereon at the rate of four per cent per annum for the period from 27th December 1947 to 12th February 1967 (both dates inclusive).

PART VI.

CLAIMS IN RESPECT OF EXTERNAL BONDS AND STATE NOTES.

23. To establish a claim in respect of an external bond under this Part of the Order, any person making application to the Com-

mission shall be required to establish to the satisfaction of the Commission—

- (a) that he or, if he is a trustee, the person for whom he is a trustee was the beneficial owner of the bond on the date of making application to the Commission;
- (b) that he or, if he is a trustee, the person for whom he is trustee was the beneficial owner of the bond on the date of coming into operation of this Order; or, if the beneficial owner on the date of coming into operation of the Order has died, that the person making application to the Commission has since the death become the owner or the beneficial owner of the bond by transfer or transmission;
- (c) that the beneficial owner of the bond on the date of coming into operation of this Order was a British national; and
- (d) that the beneficial owner of the bond on 23rd November 1959 was a British national.

24. To establish a claim in respect of a State Note under this Part of the Order, any person making application to the Commission—

- (a) shall be required to establish to the satisfaction of the Commission (i) that he is the holder of the State Note, and (ii) that the State Note has not been redeemed and has not previously been stamped by the Commission under sub-paragraph (b) of this Article; and
- (b) shall thereafter produce the State Note to the Commission for stamping.

25. The Commission shall assess the amount of loss with respect to each claim established under this Part of the Order and, for this purpose,

- (a) the value of a bond shall, notwithstanding anything to the contrary stated therein, be taken to be the value specified in column 2 of Schedule 1 to this Order, together with simple interest thereon computed at the rate per annum specified in column 3 of the said Schedule for the period from the date specified in column 4 of the said Schedule to 12th February 1967 (both dates inclusive), and
- (b) the value of a State Note shall be taken to be its nominal value, together with simple interest thereon computed at four per cent per annum for the period from 1st October

1940 to 12th February 1967 (both dates inclusive) in the case of the Tetiuhe Mining Corporation Limited and from 1st November 1940 to 12th February 1967 (both dates inclusive) in the case of the Lena Goldfields Limited.

PART VII.

PAYMENTS OUT OF THE FUND.

26. (1) The Commission shall make payments out of the Fund to every person who has established a claim under this Order and who applies to the Commission for payment.

(2) If any person who has established a claim under this Order shall have died before the amounts payable to him under Articles 27 and 28 of the Order have been paid to him, such payments or the balance thereof shall be made to his personal representatives if they apply to the Commission for payment, provided that, if the Commission are satisfied that no grant of administration of his estate has been made in the United Kingdom and that the assets of his estate (including the amount payable under this Order) do not exceed £500 in value, the Commission may, at their discretion and subject to such conditions as the Commission think proper, make such payment either to any person who has taken out administration in any other part of the Commonwealth, or to the person who shall appear to the Commission to be the person who, being a widower, widow, child, father, mother, brother or sister of the deceased person, would, under the law of England, have the prior right to a grant of administration of the estate of the deceased person if such deceased person had died intestate domiciled in England.

(3) If any person whose claim has been established under this Order is an infant at the date when the amounts payable to him under Articles 27 and 28 of this Order are due to be paid, the Commission may make payment thereof into the Supreme Court, or, if the amount thereof does not exceed £500, into the County Court for the district in which the infant resides, under the provisions of the Trustee Act 1925(a), or, if the amount does not exceed £50, may place the same on deposit in the name of the Commission in any bank for such time as the person remains an infant.

27. (1) The payment in respect of each claim established under this Order shall be a fraction of the distributable amount of the Fund equal to the proportion which the assessed amount

(a) 1925 c. 19.

of the claim bears to the total of the amounts assessed with respect to all claims established under the Order.

(2) The distributable amount shall be the total of all sums paid into the Fund, after the deduction of any payments made therefrom into the Consolidated Fund in accordance with any Order in Council made under section 7(2) of the Act of 1950 as originally enacted and as applied by section 3(3) of the Foreign Compensation Act 1962(a).

28. (1) Whether or not all claims under this Order against the Fund have been finally determined, the Commission may, at such time or times as they may decide, make from the Fund interim payments to any of the persons who have established claims under the Order.

(2) Interim payments made under the provisions of this Article shall be made—

- (a) on account of payments to be made in accordance with Article 27 of this Order, and
 - (b) at a uniform rate upon the assessed amount of the claim. The uniform rate of payment shall be determined by the Commission; for this purpose the Commission shall estimate the total liability likely to fall upon the Fund.
- (3) For the purposes of the present Article—
- (a) a claim shall be deemed to be established under this Order even though the determination thereof may be provisional and subject to review under the Rules of the Commission;
 - (b) the assessed amount of the claim shall be deemed to be the amount so provisionally determined subject to review unless before the date of payment the Commission shall have made a final determination on review.

29. (1) Subject to the provisions of paragraph (2) of this Article, the Commission shall, as a condition of the making of any payment to any person under this Order, require him to surrender to the Commission all available documents of title, if any, relating exclusively to the claim to which the payment relates and shall require him to sign and deliver to the Commission a document in such form as the Commission may determine declaring that he renounces all those claims which he has established under the Order.

(a) 11 & 12 Eliz. 2 c. 4.

(2) If the person for whose benefit a payment is to be made is an infant, the Commission shall, as a condition of the making of any payment into Court or placing the same on deposit under paragraph (3) of Article 26 of this Order, require the person who, in accordance with the Rules of the Commission, has made an application for payment on the infant's behalf to surrender to the Commission the documents of title, if any, under his control relating exclusively to the claim and to sign and deliver to the Commission a document in such form as the Commission may determine declaring that the infant renounces all claims to which the payment relates; and the document so signed shall operate as a valid surrender by the infant of all such claims.

(3) All documents which are delivered to the Commission under paragraphs (1) and (2) of this Article shall remain in their custody until the Fund is wound up and the Commission shall then deliver them to Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs.

W. G. AGNEW.

SCHEDULE 1.

EXTERNAL BONDS.

Column 1. External Bond.	Column 2. Value of each Bond.	Column 3. Rate of Interest.	Column 4. Date.
1. Republic of Estonia (Banking and Currency Reform) 7% Sterling Loan 1927.	The value in sterling specified as the nominal value on the bond.	7%	2nd July 1940
2. Republic of Estonia (Banking and Currency Reform) 7% Dollar Loan 1927.	The value specified as the nominal value on the bond converted into sterling at the rate of U.S. \$4.03 = £1.	7%	2nd July 1940
3. City of Riga 4½% Sterling Loan 1913 ("unassented" bonds).	The value in sterling specified as the nominal value on the bond reduced by £40 per cent.	4%	15th May 1940
4. City of Riga 4½% Sterling Loan 1913, as modified pursuant to an offer made in 1934 ("assented" bonds).	The value in sterling specified as the nominal value on the bond as reduced by endorsement by £40 per cent.	4%	15th May 1940
5. City of Wilno (Vilna) 5% Loan 1912	The value in sterling specified as the nominal value on the bond.	5%	16th May 1939
6. City of Wilno (Vilna) 5% Sterling Conversion Loan 1931.	The value in sterling specified as the nominal value on the bond.	5%	16th May 1939

SCHEDULE 2.

RELEVANT DATES AND EXCHANGE RATES.

Column 1. Area.	Column 2. Date.	Column 3. Currency.	Column 4. Rate per £1.
1. Estonia	21st July 1940 ..	Estonian kroner ..	14½
2. Latvia	21st July 1940 ..	Latvian lats ..	19½
		U.S. dollars ..	4.03
3. Lithuania (including Memel and the city and territory of Vilna).	21st July 1940 ..	Lithuanian litas ..	21½
		German Reichsmarks ..	10.77
		U.S. dollars ..	4.03
4. Territory ceded by Czechoslovakia to the Union of Soviet Socialist Republics under an Agreement of 29th June 1945.	29th June 1945 ..	Czech crowns ..	118.97
5. Territory ceded by Finland to the Union of Soviet Socialist Republics under the Treaty of Peace between the Union of Soviet Socialist Republics and the Republic of Finland of 12th March 1940.	12th March 1940 ..	Finmarks	193
6. Territory ceded by Finland to the Union of Soviet Socialist Republics under an Agreement of 19th September 1944, which cession was confirmed by the Treaty of Peace with Finland of 10th February 1947.	19th September 1944	Finmarks	196
7. Territory ceded by Finland to the Union of Soviet Socialist Republics under an Agreement of 3rd February 1947.	3rd February 1947	Finmarks	547
8. Territory ceded by Poland to the Union of Soviet Socialist Republics under an Agreement of 16th August 1945.	29th September 1939	Polish zlotys ..	22.87
9. Territory ceded by Poland to the Union of Soviet Socialist Republics by an Agreement of 15th February 1951.	15th February 1951	—	—
10. Territory ceded by Rumania to the Soviet Socialist Republics by an Agreement of 28th June 1940, which cession was confirmed by the Treaty of Peace with Rumania of 10th February 1947.	28th June 1940 ..	Rumanian lei ..	800

Explanatory Note.

(This Note is not part of the Order.)

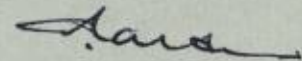
This Order, which is made pursuant to the Foreign Compensation Act 1969, provides—

- (i) for the determination by the Foreign Compensation Commission of claims to participate in the compensation fund established in consequence of the Agreement of 5th January 1968 between Her Majesty's Government in the United Kingdom and the Government of the Union of Soviet Socialist Republics concerning the Settlement of Mutual Financial and Property Claims (Cmnd. 3517); and
- (ii) for the distribution of the aforesaid compensation fund by the Commission to applicants who have established claims under the Order.

PUBLIC HEALTH AND URBAN SERVICES ORDINANCE.
(Chapter 132).

Resolution made and passed by the Legislative Council under section 144 of the Public Health and Urban Services Ordinance on the 30th day of July 1969.

Resolved, pursuant to section 144 of the Public Health and Urban Services Ordinance, that the Abattoirs (Amendment) By-laws 1969, made by the Urban Council on the 8th day of July 1969 under section 77 of that Ordinance, be approved.



Deputy Clerk of Councils.

COUNCIL CHAMBER,
30th July 1969.

PUBLIC HEALTH AND URBAN SERVICES ORDINANCE.
(Chapter 132).

ABATTOIRS (AMENDMENT) BY-LAWS 1969.

In exercise of the powers conferred by section 77 of the Public Health and Urban Services Ordinance, the Urban Council has made the following by-laws—

1. These by-laws may be cited as the Abattoirs (Amendment) By-laws 1969 and shall come into operation on a day to be appointed by the Director of Urban Services by notice in the *Gazette*.

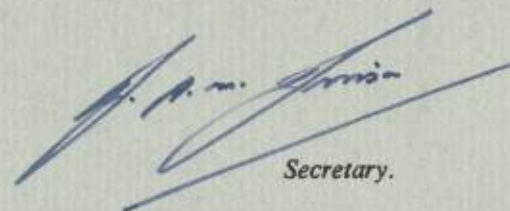
Citation and commencement.

2. The First Schedule to the principal by-laws is amended by adding after item 1, in the first, second and third columns respectively, the following—

Amendment of First Schedule.
(Cap. 132, sub. leg.)

"2. Cheung Sha Wan Abattoir. Lai Chi Kok Road, Kowloon."

Made by the Urban Council this 8th day of July, 1969.



Secretary.

Explanatory Note.

(This Note is not part of the by-laws, but is intended to indicate their general purport).

The purpose of these by-laws is to apply the provisions of the Abattoirs By-laws to the new abattoir at Cheung Sha Wan.

一九六九年屠場（修訂）附例

註釋

（本文並非該附例之任何部分，而祇係以簡述該附例之大意為目的。）

本附例之制訂，旨在使屠場附例之各項規定一併適用於坐落長沙灣之新屠場。

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ABATTOIRS (AMENDMENT) BY-LAWS 1969.

**ABATTOIRS (AMENDMENT) BY-LAWS 1969
(COMMENCEMENT) NOTICE 1969.**

In exercise of the powers conferred by by-law 1 of the Abattoirs (Amendment) By-laws 1969, the Director of Urban Services hereby appoints the 1st day of August 1969 as the day on which the said by-laws shall come into operation.

B. D. Wilson

Acting Director of Urban Services.

31st July 1969.

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FIRE SERVICES ORDINANCE.

(Chapter 95).

DUTIES OF THE FIRE SERVICES DEPARTMENT
NOTICE 1969.

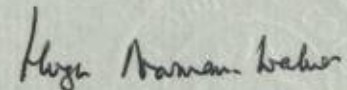
In exercise of the powers conferred by section 7 of the Fire Services Ordinance, the Governor has given the following directions—

1. This Notice may be cited as the Duties of the Fire Services Department Notice 1969. Citation.

2. The duties of the Fire Services Department shall be, in addition to the duties prescribed in paragraphs (a) and (b) of section 7 of the Ordinance, to take lawful measures— Duties of the Fire Services Department.

- (a) to secure the safety of persons who appear to need prompt or immediate medical attention;
- (b) to resuscitate or sustain the life of any such person;
- (c) to reduce the suffering or distress of any such person;
- (d) to convey with the minimum of delay any such person to a hospital or other place where medical attention and treatment is available for such person;
- (e) to convey, in co-operation with officers of a hospital or other medical authority, any patient to or from any hospital or medical clinic to or from any other place;
- (f) to administer care and attention to any person conveyed in a vehicle owned or operated by the Fire Services Department; and
- (g) to take such other action as is necessary to carry out the duties specified in this notice and matters connected with the duties of the Fire Services Department prescribed in section 7 of the Ordinance.

By Command,



Colonial Secretary.

23rd July 1969.

PUBLIC HEALTH AND URBAN SERVICES ORDINANCE.
(Chapter 132).

**DECLARATION OF MARKETS IN URBAN AREAS TO
WHICH THE ORDINANCE APPLIES.**

It is hereby notified that, in exercise of the powers conferred by section 79 of the Public Health and Urban Services Ordinance, His Excellency the Governor has amended the declaration of markets in the urban areas of the Colony to which the Ordinance applies, a notification of which was published as Government Notification Number 1620 in the *Gazette* dated the 28th day of October 1960, by deleting from the Schedule the following—

<i>Name of Market.</i>	<i>Name in Chinese.</i>	<i>Former Name of Market.</i>
Chai Wan Resettlement Area Market No. 1.	柴灣興華村第壹街市	Hing Wah Village Market No. 1.
King's Park Market.	京士柏街市	King's Park Market.

By Command,

Hugh Norman-Lambert
Colonial Secretary.

23rd July 1969.



UNIVERSITY OF HONG KONG ORDINANCE.

(Chapter 1053).

STATUTES OF THE UNIVERSITY (AMENDMENT)
STATUTES 1969.

In exercise of the powers conferred by subsection (2) of section 13 of the University of Hong Kong Ordinance, the Chancellor of the University of Hong Kong has made the following statutes—

1. These statutes may be cited as the Statutes of the University (Amendment) Statutes 1969.

Citation.

2. Statute III of the principal Statutes is amended in paragraph 1—

Amendment of
Statute III.
(Cap. 1053,
Schedule.)

(a) by inserting the following after sub-paragraph (a)—

“(aa) Bachelor of Arts in Architectural Studies—
B.A. (Arch. Studies).”;

(b) by inserting the following after sub-paragraph (g)—

“(ga) Bachelor of Laws—LL.B.”;

(c) by inserting the following after sub-paragraph (n)—

“(na) Master of Laws—LL.M.”; and

(d) by inserting the following after sub-paragraph (s)—

“(sa) Doctor of Laws—LL.D.”.

3. Statute XXII of the principal Statutes is amended in paragraph 1—

Amendment of
Statute XXII.

(a) by deleting “and” at the end of sub-paragraph (g);

(b) by deleting the fullstop in sub-paragraph (h) and substituting a semicolon;

(c) by inserting the following after sub-paragraph (h)—

“(i) the President of the Students’ Union; and

(j) one undergraduate from each Faculty who shall be registered in that Faculty to read full time for a degree, such undergraduate being elected by the undergraduates similarly so registered in that Faculty.”;

(d) by inserting the following after paragraph 3—

“3A. The members elected by the undergraduates shall be elected for a period of one year

and shall be eligible for re-election for a further period of one year. They may resign by written notice addressed to the Secretary of the Senate.”; and

(e) by deleting paragraph 5 and substituting the following—

“5. The quorum of the Senate shall be the smallest number which is not less than one-quarter of the number of members for the time being.”.

Amendment of Statute XXVI.

4. Statute XXVI of the principal Statutes is amended in sub-paragraph (c) of paragraph 1 by deleting “and Lecturers” and substituting the following—

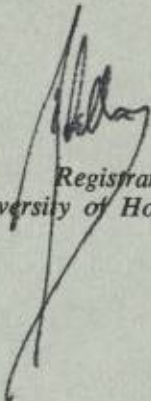
“Lecturers, and Assistant Lecturers”.

Amendment of Statute XXVIII.

5. Statute XXVIII of the principal Statutes is amended by deleting sub-sub-paragraph (c) of sub-paragraph (1) of paragraph 1 and substituting the following—

“(c) graduates of the University registered in accordance with regulations made by the Council.”.

28th July 1969.


Registrar,
University of Hong Kong.

PENICILLIN ORDINANCE.

(Chapter 137).

PENICILLIN (PENICILLIN AND OTHER SUBSTANCES) (AMENDMENT) REGULATIONS 1969.

In exercise of the powers conferred by section 11 of the Penicillin Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Penicillin (Penicillin and other Substances) (Amendment) Regulations 1969.

Citation.

2. Regulation 1 of the principal regulations is amended by deleting “Penicillin (Penicillin and other Substances)” and substituting therefor the following—

Amendment of regulation 1.
(Cap. 137, sub. leg.)

“Antibiotics”.

3. Regulation 2 of the principal regulations is revoked and replaced by the following—

Revocation and replacement of regulation 2.

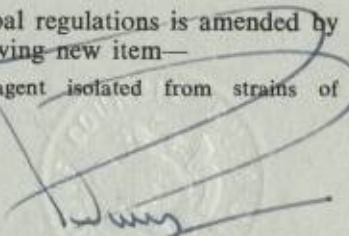
“Applica-
tion of
Ordinance.
Schedule.

2. The Ordinance shall apply to the substances specified and defined in the Schedule and to their salts and their derivatives and to the salts of such derivatives regardless of the method of production.”.

4. The Schedule to the principal regulations is amended by adding, at the end thereof, the following new item—

Amendment of Schedule.

“33. Framycetin An antibiotic agent isolated from strains of Streptomyces.”.


Clerk of Councils.

COUNCIL CHAMBER,
24th June 1969.

Explanatory Note.

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

These regulations amend the principal regulations in three ways, namely—

- by amending the citation of the principal regulations consequent upon the amendment of the short title of the Ordinance;
- by specifying more precisely the substances to which the Ordinance applies; and
- by adding a further substance to the Schedule of antibiotics to which the Ordinance will apply.

一九六九年盤尼西林（盤尼西林及其他物質）（修訂）規例

註釋

（本文並非該等規例之任何部分，而祇係以簡述該等規例之大意為目的。）

本規例係對原有規例作三項修訂，計開：

- （甲）對原有規例之名稱加以修訂，此乃由於修訂原有條例之簡稱而連帶引起者。
- （乙）對該條例所適用之物質，加以更確切之指明。
- （丙）在該條例所適用之抗生素之附表內另將一種物質再加列明。



DELEGATION OF FINANCIAL POWERS.

Resolution made and passed by the Legislative Council on the 13th day of August 1969.

Be it resolved—

- (1) that, in accordance with the provisions of Colonial Regulation 223(2)(a), the Governor may sanction additional expenditure (on his own responsibility pending covering approval of the Finance Committee of this Council) where the total required under any individual subhead does not exceed the sum specified in the third column of the Schedule to this Resolution,
- (2) that, in accordance with Colonial Regulation 223(2)(c), authority is conferred upon the Governor to delegate such of the powers conferred upon him by Colonial Regulation 223(2)(a) and by this Resolution as are specified in the Schedule to this Resolution, to the extent specified in the third column thereof, to the public officers specified in the fourth column thereof and subject to such conditions, exceptions and qualifications as the Governor may prescribe,
- (3) that, in accordance with Colonial Regulation 223(2)(c), authority is conferred upon the Governor to delegate any of the powers conferred on him by Colonial Regulation 223(2)(b) to the Financial Secretary and the Deputy Financial Secretary—
 - (a) subject to such conditions, exceptions and qualifications as the Governor may prescribe; and
 - (b) provided that the additional provision authorized does not exceed \$75,000 in the case of the Financial Secretary or half that amount in the case of the Deputy Financial Secretary,
- (4) that the Resolution passed by this Council on the 4th day of May 1966 be rescinded.

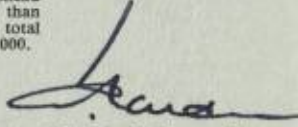
SCHEDULE.

(1) Item.	(2) Subhead.	(3) Limits of Supplementary Provision.	(4) Authorized Delegate.
I. PERSONAL EMOLUMENTS			
A. Supernumerary posts			
	(1)	Such sum as may be required— in respect of a supernumerary appointment for—	
	(a)	a replacement, where considered necessary, for a woman officer on maternity leave for the approved period of such leave;	Establishment Officer and Assistant Establishment Officers
	(b)	a replacement, where considered necessary, for an officer on prolonged sick leave for the period of such leave;	Establishment Officer and Assistant Establishment Officers
	(c)	a replacement, in the same or lower grade, for an officer on no-pay leave;	Establishment Officer and Assistant Establishment Officers
	(d)	a substantive appointment to a post the previous holder of which is on leave prior to retirement; such appointment may date from the commencement of the previous holder's pre-retirement leave in the case of a superscale or upperscale post, but there shall be an interval of at least six months in all other cases, provided that a shorter interval may be authorized in individual cases where the Establishment Officer considers that recruiting difficulties would be eased substantially thereby;	Establishment Officer only
	(e)	additional supernumerary posts in any class within a cadre, subject to the overall establishment of the cadre not being exceeded, for a period not exceeding two months; arising from a temporary need to over-establish that class for a specific purpose; e.g. as a result of a hand-over of officers of equal rank, in-service training courses or secondment to special duties.	Establishment Officer only
B. Vacancies			
	(2)	for the creation of—	
	(a)	a supernumerary post in a lower class against a vacant post in a higher class in the same grade;	Heads of Departments
	(b)	a supernumerary post in one grade held against a vacant post in another grade which has a similar or higher salary scale.	Establishment Officer and Assistant Establishment Officers
C. Promotion or transfer			
	(3)	for additional supernumerary posts for a period not exceeding one year, arising from the promotion or transfer of an officer in a grade common to several Departments (e.g. Administrative Officer, Executive Officer, Stores Officer, Clerk, Clerical Assistant, etc.) subject to the approved overall establishment in the class to which the officer is promoted or transferred, not being exceeded.	Establishment Officer

(1) Item.	(2) Subhead.	(3) Limits of Supplementary Provision.	(4) Authorized Delegate.
D.	Salaries based on rates applied by other Governments	(4) to cover a change in salary scale in all cases where rates of another administration are applied when such rates alter, provided that Finance Committee have initially approved the application of such rates.	Financial Secretary and Deputy Financial Secretary
E.	Honoraria	(5) for payment of honoraria not exceeding \$1,000 in any particular case and not involving new policy.	Financial Secretary
F.	Arrears and Adjustments	(6) for payment of arrears or adjustment of salary and allowances where no change in policy or principle is involved— (a) supplementary provision in the Personal Emoluments vote arising from arrears of salary and allowances or a salary and allowances award, where the commitment has been approved by Finance Committee; (b) supplementary provision where provision of funds is insufficient to meet expenditure arising from approved posts; (c) supplementary provision for overtime, honoraria or allowances, where the vote is insufficient, not involving any increase in rate, provided that supplementary provision for overtime does not exceed 10% of the vote or \$25,000 whichever is the lesser, and that in any case where it appears likely that there will be a continuing need for excess overtime covering approval is obtained from Finance Committee at the earliest opportunity.	Financial Secretary and Deputy Financial Secretary Financial Secretary and Deputy Financial Secretary Financial Secretary and Deputy Financial Secretary
G.	New posts	(7) subject to the availability of funds in the Personal Emoluments vote, for the creation of posts for Scale I and II staff additional to those established in the Estimates provided that the need for such posts is urgent and provided further that the increase shall not exceed 24% of the establishment in each grade or 10 posts in each grade whichever is the lesser and that covering approval is obtained from Finance Committee at the earliest opportunity.	Financial Secretary
II. OTHER CHARGES:			
	Annually Recurrent (Including Public Works Recurrent, Miscellaneous Services, etc.)	(a) where the original provision in the subhead is— \$0—\$50,000: not exceeding 30% or \$5,000 whichever is the greater; \$50,001—\$150,000: not exceeding 20% or \$15,000 whichever is the greater; \$150,001—\$500,000: not exceeding 15% or \$30,000 whichever is the greater; \$500,001 and over: maximum of \$75,000;	Financial Secretary

(1) Item.	(2) Subhead.	(3) Limits of Supplementary Provision.	(4) Authorized Delegate.
		(b) up to half the percentages and amounts stated in sub-paragraph (a);	Deputy Financial Secretary
		(c) virement between sub-heads, subject to the total additional provision in the subhead to which funds are to be transferred not exceeding in any one financial year 10% of the original approved provision of that subhead; and subject to the additional provision not involving any new principle;	Financial Secretary
		(d) virement between sub-heads, subject to the total additional provision in the subhead to which funds are to be transferred not exceeding in any one financial year 5% of the original approved provision of that subhead; and subject to the additional provision not involving any new principle.	Deputy Financial Secretary
III. OTHER CHARGES: Special Expenditure (Including Public Works Non-Recurrent, Miscellaneous Services, etc.)		(a) in respect of the original approved provision in the subhead as in II(a) above, where no point of principle or change of policy is involved and subject to the authority being exercised not more than once in any financial year;	Financial Secretary
		(b) up to half the percentages and amounts that may be exercised by the Financial Secretary under sub-paragraph (a);	Deputy Financial Secretary
		(c) in respect of the overall estimate of any item as stated in the Estimates; as in II(a) above, subject to the authority being exercised only once during the life of an item: i.e. not annually;	Financial Secretary
		(d) up to half the percentages and amounts stated in sub-paragraph (c);	Deputy Financial Secretary
		(e) in respect of revotes; up to the overall estimate;	Financial Secretary
		(f) in respect of revotes; up to \$250,000;	Deputy Financial Secretary
		(g) in respect of the annual provision of any subhead extending over more than one year; up to the total estimate;	Financial Secretary
		(h) in respect of the annual provision of any subhead extending over more than one year; within the total estimate up to \$250,000.	Deputy Financial Secretary

COUNCIL CHAMBER,
13th August 1969.

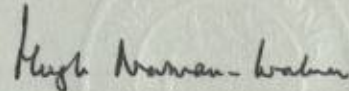

Deputy Clerk of Councils.

SANITATION AND CONSERVANCY (NEW TERRITORIES)
REGULATIONS.

SANITATION AND CONSERVANCY (NEW TERRITORIES)
REGULATIONS (COMMENCEMENT) NOTICE 1969.

In exercise of the powers conferred by regulation 1 of the Sanitation and Conservancy (New Territories) Regulations, the Governor hereby appoints the 1st day of September 1969 as the day on which the said regulations shall come into operation.

By Command,



Colonial Secretary.

11th August 1969.