

APPLICATION OF ENGLISH LAW ORDINANCE 1966.**ARRANGEMENT OF SECTIONS.**

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HONG KONG

No. 2 OF 1966.

L.S.

I assent.

D. C. C. TRENCH,
Governor.

6th January, 1966.

An Ordinance to declare the extent to which English law is in force in the Colony.

[7th January, 1966.]

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

Short title.

1. This Ordinance may be cited as the Application of English Law Ordinance 1966.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—
“Act” means an enactment of the Parliament of England, the Parliament of Great Britain or the Parliament of the United Kingdom.

Application of common law and equity.

3. The common law and the rules of equity shall be in force in Hong Kong, so far as they may be applicable to the circumstances of Hong Kong or its inhabitants and subject to such modifications thereto as such circumstances may require, save to the extent that such common law or any such rule of equity may from time to time be modified or excluded by—

- (a) any Order in Council which applies to Hong Kong;
- (b) any Act which applies to Hong Kong, whether by express provision or by necessary implication; or
- (c) any Ordinance.

Application of English enactments.

4. (1) Subject to the provisions of this section and of any other Ordinance, the law of England as set out in the following Acts shall be in force in Hong Kong, that is to say—

Schedule.

- (a) the Acts specified in the second and third columns of the Schedule to the extent specified in the fourth column thereof subject to such modifications thereto as the circumstances of Hong Kong may require;
- (b) any other Act which applies to Hong Kong by virtue of—
 - (i) any Order in Council;
 - (ii) any express provision in the enactment, or by necessary implication; or
 - (iii) any Ordinance.

(2) Any such enactment as is mentioned in subsection (1) as being in force in Hong Kong shall, in its application to Hong Kong, be subject to such amendment as may have been or may hereafter be made thereto by—

- (a) any Order in Council which applies to Hong Kong; or
- (b) any Act which applies to Hong Kong; or
- (c) any Ordinance.

5. The Legislative Council may by resolution—

Power to
amend
Schedule.

- (a) delete any item in the Schedule;
- (b) amend any item contained in the Schedule;
- (c) add to the Schedule the whole or any part of any Act passed before the 5th day of April, 1843, with or without amendments made thereto, whether made before or after the said date.

6. Nothing in this Ordinance shall diminish or derogate from—

Saving for
the Crown.

- (a) any rights, privileges or powers of the Crown; or
- (b) the right of Her Majesty in Council to make laws from time to time for the peace, order and good government of Hong Kong.

7. (1) Section 5 of the Supreme Court Ordinance is repealed.

Amendment
of Cap. 4.

(2) Section 6 of the Supreme Court Ordinance is repealed and replaced by the following—

“Practice
of English
courts.

6. Subject to the provisions of this Ordinance, the practice of the Supreme Court of Judicature of England for the time being in force therein shall be in force in the court.”

SCHEDULE.

[s. 4.]

In this Schedule—

Any reference to any Act or section of any Act shall include a reference to any Schedule referred to in the Act or section.

“S.L.R.” means Statute Law Revision Act.

<i>First Column.</i> <i>Item.</i>	<i>Second Column.</i> <i>Session and Chapter.</i>	<i>Third Column.</i> <i>Title or Short Title.</i>	<i>Fourth Column.</i> <i>Extent of Application.</i>
1.	25 Edw. 3 stat. 5 c. 2	Treason Act 1351.	The whole, as amended to 5th April, 1843 and by the Escheat (Procedure) Act 1887.
2.	25 Edw. 3 stat. 5 c. 5	Executors 1351-2.	The whole.
3.	34 Edw. 3 c. 1	Justices of the Peace Act 1361.	The whole, as amended by S.L.R. 1948.

APPLICATION OF ENGLISH LAW

A6

Ord. No. 2/66.

<i>First Column. Item.</i>	<i>Second Column. Session and Chapter.</i>	<i>Third Column. Title or Short Title.</i>	<i>Fourth Column. Extent of Application.</i>
4.	28 Hen. 8 c. 15	Offences at Sea Act 1536.	Sections 1, 2 and 4.
5.	31 Hen. 8 c. 1	An Acte for Joynt Tenants and Tenants in comon 1539.	The whole.
6.	32 Hen. 8 c. 32	Jointenants for lif or yeres 1540.	The whole.
7.	32 Hen. 8 c. 34	Graunties of Rever- sions 1540.	The whole.
8.	32 Hen. 8 c. 37	Cestui que vie Act 1540.	Sections 1, 3 and 4, as amended by S.L.R.'s 1888 and 1948.
9.	1 & 2 Phil. & Mary c. 10	Treason Act 1554.	Sections 6 and 8, as amended by S.L.R. 1888.
10.	13 Eliz. 1 c. 5	An Acte against fraudulent deedes, giftes, alienation, etc., 1571.	Sections 1, 2 and 5.
11.	27 Eliz. 1 c. 4	An Acte against covenous and fraudulent conveyances 1584.	Sections 1, 2, 3 and 4.
12.	43 Eliz. 1 c. 8	Administration of Estates 1601.	The whole.
13.	12 Car. 2 c. 24	Tenures Abolition Act 1660.	Sections 8 and 9.
14.	18 & 19 Car. 2 c. 11	Cestui que vie Act 1666.	Sections 1 and 4.
15.	22 & 23 Car. 2 c. 10	Statute of Distribution 1670.	Sections 1, 3, 4, 5 and 6, as amended by Court of Probate Act 1857 and S.L.R. 1888.
16.	29 Car. 2 c. 3	Statute of Frauds 1677.	Sections 1, 2, 3, 4, 7, 8, 9, 10, 11 and 24.
17.	30 Car. 2 c. 7	Administration of Estates 1678.	The whole, as amended by S.L.R. 1863.
18.	31 Car. 2 c. 2	Habeas Corpus Act 1679.	Sections 1, 2, 3, 4, 5, 6, 7, 8, 9 and 16.
19.	1 Jac. 2 c. 17	Administration of Intestates Estates 1685.	Sections 6 and 7, as amended by S.L.R. 1888.
20.	2 Will. & Mary c. 5	Distress for Rent Act 1689.	The whole, as amended by S.L.R. 1888 and the Summary Jurisdiction Act 1884.
21.	4 Will. & Mary c. 16	An Act to prevent frauds by clandestine mortgages 1692.	Sections 1, 2 and 3.
22.	4 Will. & Mary c. 24	Administration of Estates 1692.	Section 12.
23.	7 & 8 Will. 3 c. 3	Treason Act 1695.	Sections 5 and 6.

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24.	10 Will. 3 c. 22	An Act to enable posthumous children to take estates as if born in their father's lifetime 1697.	Section 1.
25.	11 Will. 3 c. 7	Piracy Act 1698.	Sections 7, 8, 9, 10, 11, 12 and 14.
26.	6 Anne c. 72	Cestui que vie Act 1707.	The whole, as amended by S.L.R. 1888.
27.	8 Anne c. 18	Landlord and Tenant Act 1709.	Sections 4, 6, 7 and 8, as amended by S.L.R. 1948.
28.	9 Anne c. 19	Gaming Act 1710.	Section 1, as amended to 5th April, 1843.
29.	4 Geo. 1 c. 11	Piracy Act 1717.	Section 7.
30.	8 Geo. 1 c. 24	Piracy Act 1721.	Section 7.
31.	4 Geo. 2 c. 28	Landlord and Tenant Act 1730.	Sections 1, 5 and 6, as amended by S.L.R. 1948.
32.	7 Geo. 2 c. 20	Mortgage Act 1733.	The whole.
33.	11 Geo. 2 c. 19	Distress for Rent Act 1737.	Sections 1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 18, 19 and 20, as amended by S.L.R. 1948.
34.	18 Geo. 2 c. 34	Piracy Act 1744.	Sections 1 and 3.
35.	24 Geo. 2 c. 23	Calendar (New Style) Act 1750.	Sections 1, 2, 3 and 6.
36.	12 Geo. 3 c. 24	Dockyards, etc., Protection Act 1772.	The whole, as amended by S.L.R. 1888 and as extended by the Air Force (Application of Enactments) (No. 2) Order 1918.
37.	14 Geo. 3 c. 48	Life Assurance Act 1774.	The whole, as amended by S.L.R. 1888.
38.	14 Geo. 3 c. 78	Fires Prevention (Metropolis) Act 1774.	Sections 83 and 86, as amended by S.L.R.'s 1861, 1888 and 1948.
39.	32 Geo. 3 c. 60	Libel Act 1792.	The whole.
40.	33 Geo. 3 c. 67	Shipping Offences Act 1793.	Sections 1, 4, 7 and 8.
41.	36 Geo. 3 c. 7	Treason Act 1795.	Section 1.
42.	37 Geo. 3 c. 70	Incitement of Mutiny Act 1797.	Sections 1 and 2, as amended by S.L.R. 1888 and as extended by the Air Force (Application of Enactments) (No. 2) Order 1918.
43.	37 Geo. 3 c. 123	Unlawful Oaths Act 1797.	Sections 1, 2, 3, 4, 5 and 6.
44.	39 Geo. 3 c. 37	Offences at Sea Act 1799.	Section 1.

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45.	39 & 40 Geo. 3 c. 93	Treason Act 1800.	The whole.
46.	39 & 40 Geo. 3 c. 98	Accumulations Act 1800.	Sections 1 and 2.
47.	46 Geo. 3 c. 37	Witnesses Act 1806.	The whole.
48.	52 Geo. 3 c. 101	Charities Procedure Act 1812.	The whole, as amended by S.L.R. 1888 and the Statute Law Revision and Civil Procedure Act 1881.
49.	52 Geo. 3 c. 104	Unlawful Oaths Act 1812.	Sections 1, 2, 3, 4, 5 and 6, as amended by S.L.R. 1888.
50.	56 Geo. 3 c. 100	Habeas Corpus Act 1816.	The whole.
51.	57 Geo. 3 c. 6	Treason Act 1817.	Sections 1, 4, 5 and 6.
52.	57 Geo. 3 c. 52	Deserted Tenements Act 1817.	The whole.
53.	60 Geo. 3 & 1 Geo. 4 c. 1	Unlawful Drilling Act 1819.	Sections 1 and 2, as amended by S.L.R.'s 1888 (No. 2) and 1890 (No. 1).
54.	60 Geo. 3 & 1 Geo. 4 c. 8	Criminal Libel Act 1819.	Sections 1, 2, 4 and 7, as amended by S.L.R.'s 1888, 1890 and 1890 (No. 2).
55.	9 Geo. 4 c. 14	Statute of Frauds Amendment Act 1828.	Section 6.
56.	11 Geo. 4 & 1 Will. 4 c. 40	Executors Act 1830.	Sections 1 and 2.
57.	11 Geo. 4 & 1 Will. 4 c. 46	Illusory Appointments Act 1830.	The whole.
58.	11 Geo. 4 & 1 Will. 4 c. 47	Debts Recovery Act 1830.	Sections 2, 3, 4, 5, 6, 7, 8, 9, 11 and 12, as amended by S.L.R.'s 1888 (No. 2) and 1890 (No. 2).
59.	2 & 3 Will. 4 c. 57	Charities Procedure Act 1832.	Section 3, as amended by S.L.R. 1888 (No. 2).
60.	2 & 3 Will. 4 c. 71	Prescription Act 1832.	Sections 1, 2, 3, 4, 5, 6, 7 and 8, as amended by S.L.R. 1888 (No. 2).
61.	2 & 3 Will. 4 c. 75	Anatomy Act 1832.	Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18 and 19, as amended by S.L.R. 1888 (No. 2).
62.	3 & 4 Will. 4 c. 42	Civil Procedure Act 1833.	Sections 2, 37 and 38, as amended by S.L.R.'s 1888 (No. 2) and 1890 (No. 2).
63.	3 & 4 Will. 4 c. 104	Administration of Estates Act 1833.	The whole.

<i>First Column. Item.</i>	<i>Second Column. Session and Chapter.</i>	<i>Third Column. Title or Short Title.</i>	<i>Fourth Column. Extent of Application.</i>
64.	3 & 4 Will. 4 c. 106	Inheritance Act 1833.	Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9, as amended by S.L.R. 1888 (No. 2).
65.	4 & 5 Will. 4 c. 22	Apportionment Act 1834.	The whole.
66.	7 Will. 4 & 1 Vict. c. 26	Wills Act 1837.	The whole (except sections 2, 12, 35 and 36).
67.	7 Will. 4 & 1 Vict. c. 88	Piracy Act 1837.	Sections 2 and 4.
68.	2 & 3 Vict. c. 60	Debts Recovery Act 1839.	The whole.
69.	3 & 4 Vict. c. 90	Infant Felons Act 1840.	The whole.
70.	5 & 6 Vict. c. 51	Treason Act 1842.	Sections 2 and 3, as amended by S.L.R.'s 1888 (No. 2) and 1892.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 5th day of January, 1966, and is found by me to be a true and correctly printed copy of the said Bill.

A. CHAPMAN,
Deputy Clerk of Councils.

(Secretariat GR2/3231/65)