
LAWS OF SAINT VINCENT AND THE GRENADINES

REVISED EDITION 1990

CHAPTER 8

APPLICATION OF ENGLISH LAW ACT

Act 36 of 1989
amended by
Act 16 of 1991

Printed and published with the authority of the
Government of Saint Vincent and the Grenadines

Numbering of paragraphs

<i>Original number</i>	<i>Comment</i>	<i>Present number</i>
1-8 Schedule	— a 16/91	1-8 Schedule

Index of subsidiary legislation

Nil

Note: the amendment made by Act 16 of 1991 did not come into effect until the 23rd July, 1991.

1
2
3
4
5
af

*Present number*1-8
Schedule

not come into effect

CHAPTER 8

APPLICATION OF ENGLISH LAW ACT

Arrangement of sections

1. Short title.
2. Interpretation.
3. Subsidiary legislation made under the West Indies Acts 1962 and 1967.
4. Common law and equity.
5. Specified Acts to apply.
6. Construction and conflict.
7. Repeal, amendment, etc., of English Act.
8. Repeal of Proclamation of George III.
Schedule.

AN ACT to declare how much of the law of England is applicable in Saint Vincent and the Grenadines.

Commencement: 27th December 1989

1. This Act may be cited as the Application of English Law Act. Short title.
2. (1) In this Act— Interpreta-
tion.

“Act of the Parliament of the United Kingdom” includes any Act of the Parliament of England, that is to say any Act passed by that Parliament before the union with Scotland in 1706;

“Act of the Parliament of Saint Vincent and the Grenadines” includes any Act passed by the legislative authority empowered to do so at the time of passing thereof and, without prejudice to the generality of the foregoing, includes any Act passed by—

 - (i) the Governor; and
 - (ii) the Legislative Council;

“subsidiary legislation” includes Orders-in-Council and rules of the court.
- (2) Nothing in this Act shall be taken as being conclusive that any Act of the Parliament of the United Kingdom, whether specified in the Schedule or not, was or was not in force in Saint

Vincent and the Grenadines at any time before the 27th December, 1989.

(3) Nothing in this Act shall effect law which applies in Saint Vincent and the Grenadines by virtue of the exercise of the Royal Prerogative, whether under the Royal Sign Manual or otherwise.

Subsidiary legislation under the West Indies Acts 1962 and 1967.

3. Without prejudice to the other provisions of this Act any subsidiary legislation made under the West Indies Act, 1962, or the West Indies Act, 1967, and applying in Saint Vincent and the Grenadines at the date of coming into operation of this Act shall, notwithstanding that such Acts are not specified in the Schedule, continue to apply therein unless and until such subsidiary legislation is repealed or amended by the Parliament of Saint Vincent and the Grenadines.

Common law and equity.

Cap. 18

4. (1) Subject to the provisions of subsection (2), without prejudice to the provisions of any Act of the Parliament of Saint Vincent and the Grenadines and in particular the provisions of the Eastern Caribbean Supreme Court (Saint Vincent and the Grenadines) Act, the common law and the rules of equity from time to time in force in England shall be in force in Saint Vincent and the Grenadines in so far as they may be applicable to the circumstances thereof and subject to such modifications thereto as the circumstances may require, save to the extent to which such common law or any such rule of equity may be excluded by any Act of the Parliament of Saint Vincent and the Grenadines.

(2) Where on or after the 27th October, 1969, any provision of the common law or any rule of equity has been, or is, abrogated or superseded by an Act of the Parliament of the United Kingdom such provision or rule, as the case may be, shall continue to apply in Saint Vincent and the Grenadines as it applied before such abrogation or supersession unless and until an Act of the Parliament of Saint Vincent and the Grenadines provides otherwise.

Specified Acts to apply.

5. (1) Subject to the provisions of this section, only the following Acts of Parliament of the United Kingdom shall apply in Saint Vincent and the Grenadines, that is to say—

- (a) all such Acts as are specified in the Schedule, to the extent specified therein; and
- (b) any such Act which applies, either specifically or by general description, by virtue of any Act of the Parliament of Saint Vincent and the Grenadines other than this Act.

(2) 1
Kingdom
to Saint
(3) 1
the Gren
subsidiar
(4) 1
specified
immedia
extent sp
before th
(5) 1
specified
repealed
the 27th
therein,
repeal.
(6) 1
apply by
as they
Decembe
applicati
(7) 1
standing
the Gren
provides
(whether
wise) sha
provisio
Parliame
such oth
foregoin
(Saint V
accordir
(8) 1
where r
Parliame
the Gren
force in

6. (1)
applies
provisio

before the 27th

ch applies in Saint
ercise of the Royal
nual or otherwise.

ns of this Act any
dies Act, 1962, or
aint Vincent and
eration of this Act
t specified in the
id until such sub-
the Parliament of

tion (2), without
arliament of Saint
ar the provisions
aint Vincent and
ne rules of equity
e in force in Saint
may be applicable
ch modifications
e to the extent to
of equity may be
t Vincent and the

1969, any provision
n, or is, abrogated
it of the United
se may be, shall
Grenadines as it
unless and until
d the Grenadines

section, only the
gdom shall apply
s to say—
the Schedule, to

er specifically or
of any Act of the
l the Grenadines

(2) In this section "Act of the Parliament of the United Kingdom" includes any subsidiary legislation which is applicable to Saint Vincent and the Grenadines.

(3) Subsidiary legislation may apply in Saint Vincent and the Grenadines notwithstanding that the Act under which such subsidiary legislation is made does not itself apply.

(4) The Acts of the Parliament of the United Kingdom specified in Part I of the Schedule (being Acts in force in England immediately before the 27th December, 1989), shall apply to the extent specified therein as they applied in England immediately before the 27th October, 1969.

(5) The Acts of the Parliament of the United Kingdom specified in Part II of the Schedule (being Acts which had been repealed and were not in force in England immediately before the 27th October, 1969), shall apply, to the extent specified therein, as they applied in England immediately before their repeal.

(6) The Acts of the Parliament of the United Kingdom which apply by virtue of the provisions of subsection (1) (b) shall apply as they applied in England immediately before the 27th December, 1989, unless other provision as to the date of application has been made.

(7) Subject to the provisions of subsection (8), notwithstanding that any Act of the Parliament of Saint Vincent and the Grenadines which is in force on the 27th December, 1989, provides that an Act of the Parliament of the United Kingdom (whether by use of the expression "the law and practice" or otherwise) shall apply as in force in England for the time being, the provisions of subsection (6) shall apply to such Act of the Parliament of the United Kingdom and not the provisions of such other Act and, without prejudice to the generality of the foregoing, section II of the Eastern Caribbean Supreme Court (Saint Vincent and the Grenadines) Act, shall be construed accordingly.

(8) Notwithstanding the foregoing provisions of this section, where rules of court made for the purpose of any Act of the Parliament of the United Kingdom apply in Saint Vincent and the Grenadines, such rules shall apply as for the time being in force in England.

6. (1) Any Act of the Parliament of the United Kingdom which applies in Saint Vincent and the Grenadines by virtue of the provisions of section 5 shall—

Construction
and conflict.

(a) be read and construed with such formal alterations and modifications as to names, localities, courts,

officers, persons and otherwise as may be necessary to make the Act appropriate to the circumstances; and

- (b) be subject to such amendment as may have been made, or may hereafter be made, by an Act of the Parliament of Saint Vincent and the Grenadines.

(2) Where any conflict arises between the provisions of an Act of the Parliament of the United Kingdom which applies by virtue of the provisions of section 5 and the provisions of an Act of the Parliament of Saint Vincent and the Grenadines, the provisions of the latter shall prevail.

(3) Where an Act of the Parliament of the United Kingdom applies in Saint Vincent and the Grenadines by virtue of the provisions of section 5 repealed and replaced an earlier Act of that Parliament but subsidiary legislation made under such earlier Act continues in force, such subsidiary legislation shall, if otherwise applicable, for the purposes of that section, be deemed to have been made under the latter Act.

Repeal,
amendment
etc. of
English Act.

7. (1) Notwithstanding that any Act of the Parliament of the United Kingdom which applies by virtue of the provisions of section 5 (1) may be amended or repealed, wholly or in part, by such Parliament at any time after the coming into operation of this Act, every such Act shall continue to apply to the extent that it applied by virtue of that section unless and until it is repealed or amended in its application by an Act of the Parliament of Saint Vincent and the Grenadines.

(2) Where after the coming into operation of this Act, any Act of the Parliament of the United Kingdom is added to the Schedule, or is applied by the provisions of any other Act of the Parliament of Saint Vincent and the Grenadines, the provisions of subsection (1) shall apply to such Act of the Parliament of the United Kingdom with effect from the date of its addition to the Schedule or from the date of the coming into operation of such other Act, as the case may be, (unless otherwise provided) and not from the 27th December, 1989.

Repeal of
Procla-
mation of
George III.

8. (1) Subject to the provisions of subsection (2), the Royal Proclamation of George III dated the 7th October, 1763, shall cease to apply in Saint Vincent and the Grenadines.

(2) Where at any time a question arises as to the law of England applicable in Saint Vincent and the Grenadines before the 27th December, 1989, such question shall be determined by reference to the Proclamation of 1763.

Acts of
that country
in Saint Vin

52 Hen.3
13 Ed.1 S
18 Ed.1 S
18 and 19
29 Chas.2
of cer
and 2
31 Chas.2
1 Anne c
6 Anne c
8 Anne c
9 Anne c
4 Geo.2
11 Geo.2
24 Geo.2
7 and 8
48 and 49
Sche
55 and 56
26 a
1 Ed.7 c
1 and 2 C
1 and 2
2 and 3
10 and 1
23 and 2
Act,
10 and 1
12, 13 a
12, 13 a
27,
S.I.
15 and 1
16,
5 and 6
9 and 1
Fir
c.41 Arl
9 a

SCHEDULE

PART I

Section 5

Acts of the United Kingdom Parliament which were in force in that country on the 27th October, 1969, and also in force on that date in Saint Vincent and the Grenadines and continue to be in force herein.

- 52 Hen.3 Statute of Marlborough 1267, c.1,4 and 15.
 13 Ed.1 Statute of Westminster the Second, 1285, c.1.
 18 Ed.1 Statute of Quia Emptores, 1290, c.1-3.
 18 and 19 Chas.2 c.11 Cestui que vie Act, 1666 s.1 and 4.
 29 Chas.2 c.3 Statute of Frauds s.1-3, 4 (as it applied before the repeal of certain words by the Law of Property Act, 1925), 7-9, 13, 14 and 24.
 31 Chas.2 c.2 Habeas Corpus Act, 1679, s.1-9, 15-18 and 20.
 1 Anne c.2 Demise of the Crown Act, 1702, s.4 and 5.
 6 Anne c.72 Cestui que vie Act, 1707, The whole.
 8 Anne c.18 Landlord and Tenant Act, 1709, s.1, 5 and 6.
 9 Anne c.19 Gaming Act, 1710, s.1-8.
 4 Geo.2 c.28 Landlord and Tenant Act, 1730, s.1, 5 and 6.
 11 Geo.2 c.19 Distress for Rent Act, 1737, s.1-11 and 14-20.
 24 Geo.2 c.23 Calendar (New Style) Act, 1750, The whole.
 7 and 8 Vict. c.69 Judicial Committee Act, 1844, s.1.
 48 and 49 Vict. c.49 Submarine Telegraph Act, 1885, s.1-3, 5-12 and Schedule.
 55 and 56 Vict. c.23 Foreign Marriage Act, 1892, s.1-11, 13, 14, 16-24, 26 and 27.
 1 Ed.7 c.5 Demise of the Crown Act, 1901, s.1 and 2.
 1 and 2 Geo.5 c.28 Official Secrets Act, 1911, s.1-3, 6-10, 12 and 13.
 1 and 2 Geo.5 c.57 Maritime Conventions Act, 1911, s.1-10.
 2 and 3 Geo.5 c.10 Seal Fisheries (North Pacific) Act, 1912, s.1-6.
 10 and 11 Geo.5 c.75 Official Secrets Act, 1920, s.1-8, 10 and 11.
 23 and 24 Geo.5 c.6 Visiting Forces Act, (British Commonwealth) Act, 1933, s.4 and 7-9.
 10 and 11 Geo.6 c.33 Foreign Marriage Act, 1947, s.1 and 3.
 12, 13 and 14 Geo.6 c.41 Ireland Act, 1949, s.2 and 3.
 12, 13 and 14 Geo.6 c.67 Civil Aviation Act, 1949, s.8-11, 13, 14, 27, 38, 40, 41, 51, 53, 57-63 (as modified and adapted by U.K. S.I. 1969 No. 592).
 15 and 16 Geo.6 and 1 Eliz.2 c.67 Visiting Forces Act, 1952, s.1-14, 16, 17, 19 and Schedule.
 5 and 6 Eliz.2 c.52 Geneva Conventions Act, 1957, The whole.
 9 and 10 Eliz.2 c.27 Carriage by Air Act, 1961, s.1-10, 13, 14 and First Schedule.
 c.41 Arbitration (International Investments Disputes) Act, 1966, s.1-6, 9 and Schedule.

may be necessary
 in the circumstances;

may have been
 by an Act of the
 the Grenadines.
 provisions of an
 which applies by
 provisions of an
 Grenadines, the

United Kingdom
 by virtue of the
 an earlier Act of
 made under such
 legislation shall,
 that section, be
 Act.

Parliament of the
 the provisions of
 wholly or in part,
 brought into operation
 apply to the extent
 as and until it is
 an Act of the
 Grenadines.

Under this Act, any
 provision added to the
 any other Act of
 Grenadines, the
 such Act of the
 date from the date
 of the coming
 into force may be, (unless
 otherwise provided)
 December, 1989.

Under (2), the Royal
 Commission, 1763, shall
 apply to the Grenadines.

As to the law of
 the Grenadines before
 the date determined by

PART II

Acts of the United Kingdom Parliament which were not in force in that country on the 27th October, 1969, and which were in force on that date in Saint Vincent and the Grenadines and continue to be in force herein.

- 27 Hen.8 c.10 Statute of Uses, 1535, s.1-5, 7, 8 and 10.
- 31 Hen.8 c.1 Act for Joint Tenants and Tenants in Common, 1539, The whole.
- 32 Hen.8 c.32 Act concerning Joint Tenants for Life or Years, 1540, The whole.
- 32 Hen.8 c.34 Grantees of Reversions Act, 1540, The whole.
- 34 and 35 Hen.8 c.20 Fines and Recoveries Act, 1542, s.1 and 2.
- 13 Eliz.1 c.5 Act against Fraudulent Deeds, Gifts, Alienations etc., 1571, s.1-3 and 5.
- 27 Eliz.1 c.4 Acts against Covenous and Fraudulent Conveyances, 1584, s.1-4.
- 1692 4 Will. and Mary c.16 Act to prevent Frauds by Clandestine Mortgages, 1692, The whole.
- 4 and 5 Anne c.3 Act for the Amendment of the Law and the better Advancement of Justice, 1705, s.9 and 10.
- 7 Geo.2 c.20 Mortgage Act, 1733, The whole.