

CHAPTER 25

CIVIL LAW

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. General civil law to be applied.
4. Extent of application.
5. Mode of application.
6. Removal of doubts.

Acts Nos. 12 of 1966 and 12 of 1983

AN ACT TO PROVIDE FOR THE APPLICATION BY COURTS OF THE COMMON
LAW OF ENGLAND AND RULES OF EQUITY AND MATTERS INCIDENTAL
THERE TO

[18th October, 1966]

1. This Act may be cited as the Civil Law Act. Short title.
2. In this Act, unless the context otherwise requires— Interpretation.

“Court” means any Court of the Kingdom of competent jurisdiction and includes any Judge or Magistrate thereof whether sitting in court or in chambers;

“Judge” includes magistrate and a member of the Privy Council or other official when performing judicial functions.
3. Subject to the provisions of this Act, the Court shall apply the common law of England and the rules of equity, together with statutes of general application in force in England. (*Amended by Act 12 of 1983.*) General civil law to be applied.
4. The common law of England, the rules of equity and the statutes of general application referred to in section 3 shall be applied by the Court— Extent of application.
 - (a) only so far as no other provision has been, or may hereafter be, made by or under any Act or Ordinance in force in the Kingdom; and
 - (b) only so far as the circumstances of the Kingdom and of its

inhabitants permit and subject to such qualifications as local circumstances render necessary.

Mode of application.

5. For the purpose of facilitating the application of any law to be applied by virtue of the provisions of section 4, it shall be lawful for the Court to construe the same with such verbal alteration not affecting the substance as may be necessary to render the same applicable to the matter before the Court, and every judge or officer having or exercising functions of the like kind, or analogous to, the functions of any judge or officer referred to in any such law, shall be deemed to be within the meaning of the provisions thereof relating to such last mentioned judge or officer.

Removal of doubts.

6. For the removal of doubts it is hereby declared that no judgment of the Court delivered before the date on which this Act shall come into force, shall be set aside or varied, whether on appeal, or otherwise, solely on the ground that such judgment is supportable only by the application of a principle of the common law of England, a rule of equity, or an enactment contained in any statute of general application in force in England on the date when such judgment was delivered, unless it is shown to the satisfaction of the court or other authority reviewing such judgment that the application of such principle, rule, or enactment conflicted with a provision of written law relevant to the proceedings, in force in the Kingdom on the date when such judgment was delivered.