
CHAPTER 4**DECLARATORY**

LIST OF AUTHORISED PAGES

1 - 6 LRO 1/2006

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Common law of England, with certain exceptions, declared in force.
3. Acts of Parliament in force.
4. Acts of Parliament relative to prerogatives of the Crown declared in force.
5. Rule of construction of extended Statutes.
6. Penalties on persons offending against extended Statutes.

SCHEDULE.

CHAPTER 4

DECLARATORY

An Act to declare how much of the Laws of England are practicable within The Bahamas and ought to be in force within the same.

*2 of 1799
26 of 1925
1 of 1957
1 of 2003*

[Commencement 2nd December, 1799]

1. This Act may be cited as the Declaratory Act.

Short title.

2. The common law of England, in all cases where the same hath not been altered by any of the Acts or Statutes enumerated in the Schedule to this Act or by any Act (except so much thereof as hath relation to the ancient feudal tenures, to outlawries in civil suits, to the wager of law or of bataille, appeals of felony, writs of attaind and ecclesiastical matters), is, and of right ought to be, in full force within The Bahamas, as the same now is in that part of Great Britain called England.

Common law of England, with certain exceptions, declared in force.

3. (1) The Acts and Statutes enumerated in the first part of the Schedule to this Act are, and of right ought to be, in full force and virtue within and throughout The Bahamas, as the same would be if The Bahamas were therein expressly named, or as if the aforesaid Acts and Statutes had been made and enacted by Parliament.

Acts of Parliament in force.

(2) It is hereby declared that the Acts and Statutes enumerated in the first and second columns of the second part of the Schedule to this Act are, in accordance with the provisions of the enactments set out in the third column of the said second part, similarly in full force and effect throughout The Bahamas.

1 of 1957, s. 6.

(3) The Acts and Statutes enumerated in the said Schedule shall be construed subject to any amendments made to them or to the said enactments by the Statute Law Revision Act, 1925, or by any other enactment of Parliament.

1 of 1957, s. 6.

26 of 1925.

Acts of Parliament relative to prerogatives of the Crown declared in force.

4. All and every the Acts and Statutes, and parts of Acts and Statutes, of the Parliament of England, or of the Parliament of Great Britain, which relate to the prerogatives of the Crown, or to the allegiance of the people; also, such as declare the rights, liberties, and privileges of the subject, are, and of right ought to be, of full force and virtue within The Bahamas, as the same would be if The Bahamas were therein expressly named, or as if the aforesaid Acts and Statutes had been made and enacted by Parliament.

Rule of construction of extended Statutes.

5. The several Acts and Statutes hereby declared to be in force shall be taken, construed and executed liberally, and according to the substantial effect and meaning of the same: And nothing herein contained shall extend, or be construed to extend, to abridge, alter or repeal, any Act, or any article, clause, matter or thing therein contained.

Penalties on persons offending against extended Statutes.

6. All persons offending against any of the Acts or Statutes which have hereby been declared to be in force within The Bahamas, shall suffer the same pains, penalties and forfeitures as such persons would be liable to for such offence if committed in England; and all fines, penalties and forfeitures imposed by any of the aforesaid Acts or Statutes shall and lawfully may be prosecuted, sued for, imposed, recovered and levied in the Supreme Court, or other court of corresponding jurisdiction, *mutatis mutandis*, as the case may be.

SCHEDULE (Section 3)*1 of 2003***PART I****ACTS AND STATUTES OF THE PARLIAMENT OF ENGLAND AND OF THE PARLIAMENT OF GREAT BRITAIN EXTENDED TO THE BAHAMAS BY 2 OF 1799**

Acts and Statutes.	Subject	Chapter in this Edition
13 Elizabeth I. c. 5	Fraudulent Gifts	149
27 Elizabeth I. c. 4	Fraudulent Conveyances	150
29 Charles II. c. 3	Statute of Frauds	154
31 Charles II. c. 2	Habeas Corpus	63
4 William & Mary c. 16	Clandestine Mortgages	151
8 Anne c. 14	Landlord and Tenant	161
9 Anne c. 14	Gaming	388
4 George II. c. 28	Landlord and Tenant (No. 2)	162
7 George II. c. 20	Mortgages	156
11 George II. c. 19	Distress for Rent (No. 2)	165

NOTE — This Act declared 207 Acts and Statutes in force in The Bahamas. Subsequent legislation has reduced this number to 10. Each of these Acts and Statutes is inserted in its appropriate title and numbered as a chapter of this Edition as indicated above.

PART II**ACTS AND STATUTES OF THE PARLIAMENT OF ENGLAND AND OF THE PARLIAMENT OF GREAT BRITAIN AND OF THE PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND EXTENDED TO THE BAHAMAS SINCE THE ENACTMENT OF THE DECLARATORY ACT 2 OF 1799 AND STILL IN FORCE**

Acts and Statutes. Extended.	Subject	Extending Act.	Chapter in this Edition.
2 William & Mary Sess. 1. c. 5	Distress for Rent	10 of 1872	164
57 George III. c. 52	Deserted Tenements	10 of 1872	166
2 & 3 William IV. c. 71	Prescription	9 of 1846	158
4 & 5 William IV. c. 22	Rent Apportionment	10 of 1872	167
6 & 7 Victoria c. 96	Libel	8 of 1847	72
8 & 9 Victoria c. 106	Real Property	9 of 1846	169
13 & 14 Victoria c. 28	Trustees Appointment	14 of 1903	174
18 & 19 Victoria c. 43	Infants' Settlements	23 of 1860	136
18 & 19 Victoria c. 111	Bills of Lading	23 of 1860	332
19 & 20 Victoria c. 97	Mercantile Law Amendment	23 of 1860	334

22 & 23 Victoria c. 35	Law of Property	23 of 1860	170
33 & 34 Victoria c. 35	Apportionment	10 of 1872	168
34 & 35 Victoria c. 79	Lodgers' Goods	10 of 1872	292
45 & 46 Victoria c. 61	Bills of Exchange	5 of 1892	335
52 & 53 Victoria c. 49	Arbitration	20 of 1899	180
53 & 54 Victoria c. 19	Trustees	14 of 1903	175
	Appointment		

NOTE: Each of these Acts and Statutes is inserted in its appropriate title and numbered as a chapter of this Edition as indicated above.

There are in addition certain Acts of the United Kingdom Parliament that apply in or may be applied to The Bahamas by virtue of their own provisions. These are not printed in this Edition, but a reference is made to them at the end of the Table of Statutes in the Supplementary Volume.