

Act No. 43  
of 1948.

# ACT

To provide for the confirmation of the annexation to the Union of South Africa of the Prince Edward Islands, and for the administration, government and control of the said islands.

*(Afrikaans text signed by the Governor-General.)*  
*(Assented to 1st October, 1948.)*

**WHEREAS** effective occupation and administration of Marion Island and Prince Edward Island were established on the twenty-ninth day of December, 1947 and the fourth day of January, 1948 respectively, and such occupation and administration will continue permanently:

**AND WHEREAS** by proclamation issued by His Excellency the Governor-General, dated the twelfth day of January, 1948, it was declared that His Majesty's sovereignty over the said islands is henceforth to be exercised by His Majesty's Government in the Union of South Africa:

**AND WHEREAS** it is expedient to declare formally that the said islands have been annexed to and form part of the Union of South Africa, and to make due and proper provision for the administration, government and control of the said islands:

**NOW, THEREFORE, BE IT ENACTED** by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa as follows:—

1. (1) The territory known as the Prince Edward Islands, consisting of Marion Island, situate latitude 46° 53' S., longitude 37° 45' E., and Prince Edward Island, situate latitude 46° 36' S., longitude 37° 57' E. (hereinafter called the Territory) is hereby declared to have been annexed to and to form part of the Union of South Africa.

(2) For the purposes of the administration of justice, and in general for the application of the laws of the Union, the Territory shall be deemed to be situated within the Magisterial district which includes the City of Cape Town and to form part of the electoral division which includes the harbour of the City of Cape Town.

2. The Roman-Dutch Law, as existing and applied in the Province of the Cape of Good Hope, whether as judicially interpreted, or as modified by statute, shall be in force in the Territory, as the common law of the Territory.

3. (1) The laws set out in the Schedule to this Act, with any amendments that may be made thereto from time to time, shall be in force in the Territory, in so far as they are applicable.

Annexation of  
Marion Island  
and Prince  
Edward Island.

Application of  
common law.

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(2) The Governor-General may further, by proclamation in the *Gazette*, declare any law in force in the Province of the Cape of Good Hope to be in force in the Territory, with such modifications as he may deem fit, and may repeal, amend or modify any such law, or make new laws applicable to the Territory.

(3) (a) Any proclamation issued in terms of sub-section (2) shall be laid on the Tables of both Houses of Parliament within fourteen days after publication if Parliament is then in ordinary session, or if it is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session, and shall remain on the said Tables as aforesaid for a period of at least twenty-eight consecutive days. If Parliament is prorogued before the necessary twenty-eight days have elapsed, such proclamation shall again be laid on the said Tables as aforesaid within fourteen days after the commencement of its next ensuing session.

(b) If both Houses of Parliament have by resolutions passed in the same session (being a session during which any proclamation referred to in paragraph (a) has been duly laid on the Tables) disapproved of any such proclamation, or of any provision in any such proclamation, such proclamation shall thereafter cease to be of force and effect to the extent to which it has been so disapproved, but without prejudice to the validity of anything that has been done in terms of such proclamation, up to the date from which it so ceases to be of force and effect, or to any right, privilege, obligation or liability acquired, accrued or incurred under or by virtue of such proclamation as at the said date.

4. No Act of the Union Parliament passed after the date of commencement of this Act shall apply to the Territory, unless by such Act it is specifically expressed so to apply or unless it is declared to apply by proclamation of the Governor-General.

5. This Act shall be called the Prince Edward Islands Act, 1948.

Limitation on  
future appli-  
cation of laws.

Short title.

### Schedule.

The Administration of Estates Act, 1913.  
The Justices of the Peace and Oaths Act, 1914.  
The Criminal Procedure and Evidence Act, 1917.  
The Special Justices of the Peace Act, 1918.  
The Inquests Act, 1919.  
The Magistrates' Courts Act, 1944.  
The Electoral Consolidation Act, 1946.