

THE UNION OF BURMA (ADAPTATION OF LAWS) ORDER, 1948.

(4th January, 1948.)

WHEREAS by sub-s action (2) of section 226 of the Constitution the President of the Union may, by Order, provide that as from such date as may be specified in the Order, any existing law shall, until repealed or amended by the Union Parliament or other competent authority, have effect subject to such adaptations and modifications as appear to him to be necessary or expedient with due regard to the provisions of the Constitution :

Now, therefore, in the exercise of the powers conferred on him as aforesaid and of all other powers enabling him in that behalf, it is hereby ordered by the President as follows :—

1. This Order may be called the Union of Burma (Adaptation of Laws) Order, 1948.

2. (1) This Order shall be deemed to have come into force on the date on which the Constitution of the Union of Burma shall come into operation.

(2) The provisions of this Order shall have effect in the whole of the Union of Burma inclusive of the areas formerly included in Schedule II to the Government of Burma Act, 1935, provided that as respects such areas the provisions of this Order relating to any existing law are appropriate to the form in which such law is applicable in those areas.

3. In this Order,—

"existing law" shall have the same meaning as is assigned to it in section 222 of the Constitution.

¹ In clauses (a) and (c) of section 6, the words "the Crown or" were omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

4. The enactments mentioned in the Schedule¹ to this Order shall, until repealed or amended by the Union Parliament or other competent authority, have effect subject to the adaptations and modifications directed by the Schedule to be made therein or, when so directed, shall cease to have effect.

5. Whenever an expression mentioned in the first column of the Table hereunder printed occurs in any existing law ther, unless the expression is under the last preceding paragraph expressly directed to be otherwise adapted or modified or to stand unmodified or to be omitted, there shall be substituted therefor the expressions set opposite to it in the second column of the said Table :—

Table of General Adaptations.

British Burma or Burma	...	The Union of Burma.
Crown	...	Government.
[* * *]	...	* * *
High Court of Judicature at Rangoon	...	High Court.
His Majesty or His Majesty's	...	His Britannic Majesty or His Britannic Majesty's respectively.
British India or India	...	India or Pakistan.
Legislature or Legislature of Burma or Burma Legislature	...	Union Parliament.

^{5-A.} Whenever the word "Governor" or the expression "Governor of Burma" occurs in any existing law relating to any matter enumerated in List I of the Third Schedule to the Constitution, there shall be substituted therefor the expression "President of the Union"; and whenever such word or expression occurs in any existing law relating to any matter enumerated in List II of the said Schedule, there shall be substituted therefor the expression "Head of the State".

6. Where this Order requires that in any existing law or portion of any such existing law certain words shall be substituted for certain other words or that certain words shall be omitted, the substitution or omission, as the case may be, shall, unless the contrary intention appears, be made wherever the words referred to occur in that law or such portion.

7. Where this Order requires the substitution in any enactment of a plural noun for a singular noun or *vice versa*, or of a masculine noun for a neuter noun or *vice versa*, or of a noun or adjective beginning with a consonant for a noun or adjective beginning with a vowel or *vice versa*, there shall also be made in any verb, pronoun or article in the sentence in question such consequential amendment as the rules of grammar may require.

8. The provisions of this Order which adapt or modify any enactment so as to alter the manner in which, the authority by which, or the law in accordance with which, any powers are exercisable, shall not render invalid any notification, order, commitment, attachment, bye-law, rule or regulation duly made or issued, or anything done before the commencement of this Order; and any such notification, order, commitment, attachment, bye-law, rule, regulation or thing may be

¹ The Schedule to this Order is not reproduced, but the necessary amendments have been made in their appropriate places.

² Deleted by Judicial I Branch Notification No. 234, dated 17th November 1949.

³ Inserted by *ibid.*

revoked, varied or undone in the like manner, to the like extent and in the like circumstances as if it had been made, issued or done after the commencement of this Order by the competent authority and under and in accordance with the provisions then applicable to such a case.

9. Nothing in this Order shall affect the previous operation of, or anything duly done or suffered under, any existing law, or any right, privilege, obligation or liability already acquired, accrued or incurred under any such law or any penalty or punishment incurred in respect of any offence already committed against any such law.

10. References in any law in force in Burma to that law or any other law or to any section or portion thereof shall, except in so far as the contrary intention appears, be construed—

- (a) as respects any period before the coming into operation of the Constitution, as references to that law, section or portion as in force in all places in Burma to which it extended ;
 - (b) as respects any period after the coming into operation of the Constitution, as references to that law, section or portion as in force in Burma.
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