

Revised Edition of the Laws Act [Cap 6]

LAWS OF FIJI

CHAPTER 6

REVISED EDITION OF THE LAWS

Act No. 31 of 1971

AN ACT TO PROVIDE FOR THE PERIODICAL REVISION OF THE LAWS OF FIJI AND FOR RELATED MATTERS INCIDENTAL THERETO

[12th August, 1971]

Short title

1. This Act may be cited as the Revised Edition of the Laws Act.

Interpretation

2. In this Act, unless the context otherwise requires -

"commissioner" means the person appointed under section 3;

"effective date" means the date specified by the Attorney-General under subsection(1) of section 10 for the coming into operation of the revised edition;

"revised edition" means the revised edition of the laws of Fiji prepared under the authority of section 3.

Appointment of commissioner

3. The Attorney General may, by notice in the Gazette, appoint a commissioner who shall prepare a revised edition of the laws of Fiji.

Power of commissioner to omit

4. (1) In the preparation of the revised edition, the commissioner shall have power to omit-

(a) all written laws, or parts of written laws, which have been expressly repealed or revoked or which have expired or have become spent or have had their effect;

(b) all repealing or revoking provisions contained in written laws and all tables and lists repealed or revoked written laws, whether contained in Schedules or otherwise;

(c) all preambles to written laws, where such omission can, in the opinion of the commissioner, conveniently be made;

- (d) all provisions prescribing the date when a written law or part of a written law is to come into operation, where such omission can, in the opinion of the commissioner, conveniently be made;
- (e) all amending written law or part thereof, where the amendments effected thereby have been embodied by the commissioner in the written law to which they relate; and
- (f) all enacting clauses.

(2) In addition to the powers conferred upon him by subsection (1), the commissioner may omit from the revised edition such written laws as the Attorney General may prescribe by notification in the *Gazette*.

(Inserted by 137, 1977 s. 19)

(3) Any written law or part thereof omitted from the revised edition in exercise of the powers conferred by this section may be proved by production of any copy thereof by which the same could have been proved before the effective date.

Other powers of commissioner

5. The commissioner shall, in addition to the powers conferred by section 4, have the power -

- (a) to transfer to subsidiary legislation any part of an Act which can be more conveniently be included as subsidiary legislation made under that Act or under any other Act;
- (b) to arrange the grouping and sequence of written law;
- (c) to make such formal alterations to any written law as are necessary or expedient for the purpose of securing uniformity of expression;
- (d) to consolidate in one written law any two or more written laws or any number of written laws in *pari materia*, making such alterations as are thereby necessary or expedient and affixing such date thereto as may seem most convenient;
- (e) to divide any written law into two or more written laws and to make such amendments, including the supplying of titles, or the alterations of existing titles, as are thereby rendered necessary;
- (f) to incorporate in any written law any amendment made to any Schedule, form or other part by any authority under powers conferred by that written law;
- (g) to alter the order of sections, rules or paragraphs in any written law;
- (h) to renumber the sections, rules or paragraphs in any written law in all cases where it may be necessary or expedient to do so;
- (i) to alter the form or arrangement of any section, rule or paragraph by transferring words, by combining it in whole or in part with another section, rule or paragraph or by subdividing it;
- (j) to transfer any provision contained in any written law to any other written law to which that provision more properly belongs, making such alterations as are thereby necessary or expedient;
- (k) to divide any written law, whether consolidated or not, into parts or divisions;
- (l) to add a long title or short title to any written law which may require it or to alter the long title or short title of any written law;

- (m) to supply or alter tables of contents, chronological tables and notes: Provided that such tables of contents, chronological tables and notes shall not form any part of the written law which they appear;
- (n) to correct grammatical, typographical and similar errors in existing copies of written laws and for that purpose to make verbal additions, omissions, or alterations not affecting the meaning of any such law;
- (o) to correct cross references;
- (p) to correct references to repealed or revoked written laws by replacing such references by references to the substituted written law, for which purpose it is declared that written law is deemed to be substituted for another written law where it is expressly stated in the subsequent written law that it is so substituted, or where the subsequent written law re-enacts or replaces with or without modification any provisions of repealed or revoked written law;
- (q) to make such formal alterations as to names, localities, departments, offices and officers and otherwise as may be necessary to bring any written law into conformity with the circumstances in Fiji;
- (r) to make such adaptations of or amendments to any written law as may appear to be necessary or proper as a consequence of any change in the constitution of Her Majesty's dominions;
- (s) to do all things relating to form and method which appear to him to be necessary for the perfecting of the revised edition; and
- (t) to provide a suitable index.

Mode of dealing with omissions or amendments not authorised by sections 4 and 5

6. (1) If the commissioner considers it is desirable that in the preparation of the revised edition there should be omissions or amendments other than those authorised by sections 4 and 5, such omissions and amendments, although not *in pari materia*, may be combined in one or more Act.

(2) If such an Act is enacted prior to the effective date, then-

(a) the commissioner shall, in the preparation of the revised edition, give the like effect to such omissions or amendments as if they had been authorised by either of sections 4 of 5; and

(b) if as a result of any such omission or amendment any written law or part or had its effect, such written law or part shall be omitted from the revised edition.

Method of compiling the revised edition

7. The commissioner shall cause the revised edition of every Act or other written law to be published in the form of one or more separate booklets each of which shall contain -

(a) on the front page thereof, the expression "Laws of Fiji";

(b) at the top of every subsequent page of each such booklet, the Chapter number and the abbreviation "Ed." Together with the year in which the revision is made; and

(c) in the case of a booklet containing subsidiary legislation, on every subsequent page, the Chapter number and the words "Subsidiary Legislation".

Binding of booklets

8. (1) The commissioner shall cause the various booklets which have been compiled for the purposes of section 7 to be contained together in such number of volumes as he considers convenient.

(2) A booklet shall be bound in such manner as will enable it to be easily removed from and replaced in a volume.

Copies of revised edition to be kept for record

9. (1) The commissioner shall cause two complete sets of the booklets which have been compiled for the purposes of section 7 to be bound together in volumes in a permanent manner.

(2) The title page of each volume of booklets so bound shall be sealed with the Public Seal of Fiji and signed by the commissioner and one copy of each volume shall be transmitted to the Attorney General, and one copy of each volume to the Chief Registrar of the High Court, and shall be retained by them for record purposes.

Bringing of revised edition into operation

10. (1) The Attorney General may, by notice in the Gazette, approve the revised edition and order that the revised edition shall come into operation on such date as he may specify in such notification.

(2) Subject to the provisions of this Act, from the effective date the revised edition shall be deemed to be and shall be without any question whatsoever in all courts of justice and for all purposes whatsoever the sole and only proper law of Fiji in respect of all written law contained therein.

Complementary matter in revised edition

11. (1) The revised edition may also contain a reprint of such imperial enactment, treaties and conventions and such indices, notes and references as the commissioner considers useful to include.

(2) When any imperial enactment, treaty or convention is reprinted in pursuance of subsection (1), the provisions of the imperial enactment, treaty or convention may be reproduced with such amendments as may have been made thereto, and where any imperial enactment, treaty or convention has been applied or extended to Fiji with modifications, the provisions of that imperial enactment, treaty or convention may be reproduced with those modifications:

Provided that every departure from the original text of the imperial enactment, treaty or convention shall be clearly shown by notes, references or other similar means.

(2) The commissioner may also cause the reprint referred to in subsection (1) to be published in such manner of separate booklets, in the manner prescribed by section 7, or in such other form as he considers convenient.

Revision of revised edition

12. (1) As soon as practicable after the 1st of January each year in every year after the effective date, the Attorney General shall, subject to subsection (3) and to the powers of omission under subsection (1) of section 4 conferred on him by subsection (5) -

(a) cause to be prepared and published in the form of a separate booklet a new revised edition of any written law that has been amended during the period twelve months ending on the preceding thirty-first day of December;

(b) cause to be prepared and published in the form of separate booklet any new Act enacted during the said period, other than Acts the sole or substantial effect of which was to amend other Acts;

(c) cause to be prepared and published in the form of the booklets, a consolidation of all subsidiary legislation made during the said period under any Act;

(d) cause to be prepared and published a new table of contents and index to the revised edition, together with a chronological list of Acts and a list of the current editions of the laws.

(2) Subject to the provisions of section 16, in any booklet published pursuant to subsection (1), the laws shall be stated as it was on the preceding thirty-first day of December and shall contain at the beginning thereof the year of that thirty-first day of December.

(3) The Attorney-General shall not be required to prepare or publish a booklet containing a new revised edition of any written law that has been amended or varied if he considers that the amendments or variations are not sufficiently extensive to justify the preparation and publication thereof, but all such amendments and variations shall be contained either in replacement pages to be included in the revised edition or separate booklet of minor amendments and indicated in the annual index.

(4) The Attorney-General shall transmit to the Chief Registrar of the Supreme Court a copy of every booklet published under this section and with effect from such date as the Attorney-General as may specify by notice in the Gazette and subject to the other provisions of this Act any such booklet containing any written law shall be without any question whatsoever in all courts of justice and for all purposes whatsoever the sole and only proper laws of Fiji in respect of such written law.

(5) For the purposes of this section, the Attorney-General shall have and perform, *mutatis mutandis*, the powers and duties conferred or imposed by this Act upon the commissioner.

Publication of lists of titles of current laws

13. The Attorney-General shall, as soon as practicable after any date specified in any notice published under subsection (4) of section 12, cause to be published in the Gazette a list of the titles of all Acts in force in Fiji and the year of the last published edition thereof.

Distribution of revised edition

14. (1) Copies of the revised edition compiled in the manner provided by section 7 and of any booklet published under section 12 shall be distributed without charge to such persons, officers, departments and institutions as the Attorney-General may direct.

(2) There shall be offered to the public such number of copies so compiled and booklets so prepared at such price as the Attorney-General may direct.

(3) Any person may, on payment of such fees as the Attorney-General may direct, become entitled to receive a copy of each booklet published under section 12 and issued in any one year.

(4) The Government Printer shall, on the application of a subscriber, supply him with all the booklets to which he is entitled.

Construction of references to repealed or amended written law

15. Whenever in any written law, or in any document of whatever kind, any reference is made to any provision of any written law affected by or under the operation of this Act, such reference shall, where necessary and practicable, be construed as a reference to the corresponding provision in the revised edition or in any booklet published under section 12.

Transitional

16. The powers conferred by section 12 upon the Attorney-General shall, in relation to any period between the 1st day of January, 1973 and the next thirty first day of December after the effective date, be construed as if-

(a) the words "the first day of January in every year after" in subsection (1) of section 12 were deleted;

(b) for the reference in subsection (1) of section 12 to "the preceding thirty-first day of December" there were substituted a reference to "any 31st day of December after the first day of January, 1973".

Restrictions of commissioner's authority

17. This Act shall not empower the commissioner or any other authority to alter the import or substance of any law in force for the time being in Fiji.

Controlled by Ministry of the Attorney-General

SECTION 4 - OMITTED LAWS

(Made by the Attorney-General)

Notice, 19th January, 1978

Australia and New Zealand Banking Group Act (No. 28 of 1970)
Aerodromes Fire Service Regulations } Deemed to have
Aerodromes Regulations } been made under
Colonial Air Navigation Order } the Civil Aviation Act,
Air Navigation (Flight Plan) Regulations } 1976 (Cap. 174).
Air Navigation Regulations }
Civil Aviation (Investigation of Accidents) Regulations }
Companies Act (Cap 216: 1967 Edition
Price Control Orders made under the Counter Inflation Act (Cap. 73)
Crown lands (Leases and Licences Regulations made under the Crown lands Act
(Cap. 132)
Defence (Finance) Regulations } Made under Exchange
Exchange Control Orders } Control Act (Cap. 211)
Exchange Control (Deposit of Securities Exemption) Order }
Fiji (Compensation and Retiring Benefits) Order 1970
Fiji (Retiring Benefits) Order 1970
Fiji Independence Medal Warrant
Government Employees Provident Fund Act (Cap. 53: 1955 Edition)
Housing Authority (Loans to Cane Growers) Act, 1972 (No. 34 of 1972)
Merchant Shipping Acts, Ports of Registry
Merchant Shipping (Foreign Deserters) (Kingdom of Greece) Order, 1954
Merchant Shipping (Foreign Deserters) (United States of Mexico) Order 1955
Merchant Shipping (Certificate of Competency as A.B.) (Canada) Order, 1954
Merchant Shipping (Republic of Ireland)(Certificates of Competency) Order, 1954
Merchant Shipping (Registration of Colonial Government Ships) Order, 1963
Merchant Shipping (Registration of Colonial Government Ships) (Amendment)
Order, 1956
Merchant Shipping (Colonies, etc.)Tonnage Measurement Order, 1956
Collision Regulations (Ships and Seaplanes on the Water) and Signals of Distress
(Ships) Order 1965
Merchant Shipping (Colonies) Order, 1927
Merchant Shipping (Helm Orders) Order, 1935
Shipowners' Liability (Colonial Territories) Order in Council 1963
Motor Vehicles (Third Party Insurance) Act (Cap 153: 1967 Edition)
Noxious Weeds, Pests and Diseases of Plants Act, (Cap 133: 1967 Edition)

Pension (1938) Act (Cap. 58: 1967)
Pensions (Overseas Officers) (Takeover) Act (No, 26 of 1975)
Towns (Building) Regulations deemed to have been made under the Public Health Act (Cap. 111)
Pure Food Regulations
Quarantine Regulations
Quarantine Rules
The Southern Rhodesia (United Nations Sanctions (Overseas Territories Order 1968
Sugar Industry (South Pacific Sugar Mills Limited Shareholding Act, 1971 (No. 22 of 1971)
Traffic Act (Cap 176) Act only)
Notice, 20th December, 1978
Banking Act (Cap. 182: 1967 Edition)
Central Monetary Authority of Fiji Act, (Cap. 210) (Act only)
Coasting Act (Cap 161: 1967 Edition)
Customs Tariff Act (Cap 171: 1967 Edition)
Drainage Act (Cap. 122: 1967 Edition)
Exchange Control Act (Cap. 211) (Act only)
Government Guarantee of Loans Act (Cap. 195: 1967 Edition)
Harbour Act (Cap. 160: 1967 Edition)
Irrigation Act (No. 32 of 1973)
Land Conservation and Improvement Act (Cap. 120: 1967 Edition)
Marine Board Act (Cap. 159: 1967 Edition)
Merchant Shipping Act (Cap. 158: 1967 Edition)
Pilots Act (Cap. 162: 1967 Edition)
Rivers and Streams Act (Cap 121: 1967 Edition)
Sale of Goods Act (Cap. 206:1967 Edition)
Sewerage Act (Cap. 111: 1967 Edition)
Sinking of Hulks Act (Cap. 163: 1967 Edition)
War Pensions (1918) Act (Cap. 65: 1967 Edition)
Water Supply Act (Cap. 89: 1955 Edition)
Weight and Measures Act (Cap. 56: 1967 Edition)

Controlled by Ministry of Attorney-General