

CHAPTER 245

THE LAW REVISION ACT

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LAW REVISION

An Act to provide for the Revision of the Laws of Antigua and Barbuda and for matters connected therewith.

(15th July, 1988.)

19/1987.

1. This Act may be cited as the Law Revision Act. **Short title.**

2. In this Act—

Interpretation.

"Act" includes part of an Act but does not include subsidiary legislation made under the Act;

"Commissioner" means the Law Revision Commissioner appointed under Section 3;

"in force", in relation to any written law other than a written law to which Section 12(2) applies, means made and brought into force;

"Law" means the revised edition of the written laws of Antigua and Barbuda referred to in Section 4;

"Law Revision Order" means an Order made by the Commissioner under Section 7;

"revision date" means a date appointed by Order under Section 8(1) to be a revision date for the Laws; and, where the Laws contain any particular written law last revised under Section 9, a reference in this or any other written law to the revision date of the last revision date of the laws shall, in relation to that particular written law, include a reference to its special revision date;

"written law" means any Act, Ordinance and any subsidiary legislation which includes Orders, Proclamations, Rules, Bye-Laws, or Regulations made or issued by any body or person having power or authority under any Act or Ordinance.

**Appointment of
Law Revision
Commissioner.**

3. (1) For the purposes of this Act, the Attorney-General shall appoint a Law Revision Commissioner to discharge the duties required under this Act.

(2) In case the Commissioner is unable for any cause to fully discharge his duties under this Act, the Attorney-General may appoint some other fit and proper person to be a Commissioner in his stead.

**Functions of
Commissioner.**

4. (1) The Commissioner shall prepare, publish and maintain a revised edition of the written laws of Antigua and Barbuda (to be called the Laws of Antigua and Barbuda) in accordance with the provisions of this Act.

(2) The Commissioner may prepare and cause to be printed a separate volume as a supplement to the Revised Edition of Laws enacted after the appointed date as the Attorney-General may appoint under subsection (1) of Section 8.

**Form of
publication.**

5. The laws shall be published in loose-leaf form or in such other form as the Commissioner may determine and shall comprise such pages as may be authorised to be included therein under Section 6.

**Page of Laws to
be headed "Laws
of Antigua and
Barbuda".**

6. (1) Every page comprised in the Laws shall bear at the top the heading "Laws of Antigua and Barbuda".

(2) A page bearing the heading prescribed by subsection (1) and appearing in other respects to be part of the Laws shall for all purposes be presumed to be a part of the Laws.

(3) Except as otherwise provided, any person who prints, publishes or knowingly has in his possession any page falsely purporting to be a page of Laws or so closely resembling a page of the laws as to be likely to be mistaken for such page is guilty of an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for two years.

7. In the event of a loose-leaf edition—

(a) The Commissioner shall by Order authorise the inclusion in the Laws of every page to be comprised therein, and every page so authorised, and no other, shall form part of the Laws.

Inclusion or removal of pages to be authorised by Order.

(b) The Commissioner may by Order direct the removal of any page from the Laws and any page so directed to be removed shall cease to form part of the Laws.

(c) An Order under paragraph (a) or (b) may provide that the page be included in or removed from the Laws as from a date to be prescribed by a subsequent Order.

(d) Every page comprised in the Laws shall bear on its face or over-leaf a reference to the Law Revision Order by which its inclusion therein is authorised.

8. (1) The Attorney-General may by Order appoint a date to be a revision date for the Laws.

Revision date and periodic revision of Laws.

(2) The Commissioner shall revise the Laws as soon as practicable after each revision date, that is to say, the Commissioner shall prepare the necessary pages and make the necessary Orders for the inclusion of these pages in the Laws and (with respect to the second or any subsequent revision) for the removal of pages no longer required, to the extent that the Laws shall, subject to such omissions as are authorised under Section 13, contain all the written Laws in operation in Antigua and Barbuda on such revision date.

9. (1) In special circumstances, the Attorney-General may, by Order, appoint a date other than the revision date appointed under Section 8 as a special revision date for a particular written law specified in the Order.

Special revision date for particular Law.

(2) The Commissioner shall revise the particular written law as soon as practicable after the special revision date and shall publish it, as in operation on that date, in the Laws.

(3) In every such case, the Commissioner shall insert an appropriate note in the Laws with reference to the special revision date of that written law.

Certain officers
to maintain sets
of Laws.

10. In the event of a loose-leaf edition—

(a) The Commissioner shall cause a copy of every page authorised to appear in the Laws to be delivered as soon as practicable after publication to the Attorney-General, to the Clerk to Parliament, to the Chief Registrar of the Supreme Court and to the Registrar of the High Court.

(b) It shall be the duty of the Commissioner and each of the officers referred to in paragraph (a) to maintain one set of the Laws and punctually to insert pages authorised to be inserted under Section 7(a) and to remove pages directed to be removed under Section 7(b); and the Commissioner shall take such further steps as are necessary to ensure that there shall be at all times available to the Courts and to the public sets of the Laws maintained in the manner provided by this paragraph.

Bound sets of
Laws to be kept
for record.

11. (1) The Commissioner shall cause five sets of the Laws as originally published to be bound in such number of volumes as the Commissioner may think fit.

(2) The Commissioner shall retain one set and shall cause one set to be delivered to the Attorney-General, to the Clerk to Parliament, to the Secretary of the Barbuda Council, to the Chief Registrar of the Supreme Court and to the Registrar of the High Court, and it shall be the duty of the Commissioner and of such officers to maintain in safe custody their respective sets together with the Orders and supplementary pages referred to in subsection (3) for the purpose of record.

(3) Every year or at such other intervals as the Commissioner may think fit, five sets of all supplementary pages issued under Section 8 or 9, all Orders made under Section 21(b)(i) and all pages issued under section 21(b)(ii) shall be bound in such number of volumes as may be convenient and shall be dealt with in the same manner as the bound sets of the Laws as originally published are required to be dealt with by subsection (2).

(4) All Orders made under Section 7 or Section 21(b)(ii) shall be included in such order as seems appropriate to the Commissioner among the pages bound under subsections (1) and (3).

12. (1) Subject to subsection (2) and to Section 13, the Laws shall contain— **Contents of Laws of Antigua and Barbuda.**

(a) the Constitution of Antigua and Barbuda as in force on the last revision date;

(b) every Act in force in Antigua and Barbuda on the last revision date, unless omitted under Section 13;

(c) such subsidiary legislation in force in Antigua and Barbuda on the last revision date as the Commissioner thinks fit to include therein;

(d) a chronological list of Acts, a table of contents and an index;

(e) a list of the Acts omitted under the authority of Section 13(1) and (2)(d) and (e).

(2) In special circumstances, the Commissioner may include in the Laws a written law which has been made but not yet brought into force on the last revision date, but in every such case the Commissioner shall insert in the Laws an appropriate note drawing attention to this fact and to the date of commencement of the written laws; and in relation to any such law the expression "in force" in subsection (1) and in Sections 8(2), 9(2) and 15 means made, whether brought into operation or not.

13. (1) The Attorney-General may by Order authorise the Commissioner to omit from the Laws any Act or Ordinance specified in the Order. **Power to omit certain Laws.**

(2) In addition to any Act or Ordinance omitted under subsection (1), the Commissioner may further omit from the Laws—

(a) any Appropriation Act or Supplementary Appropriation Act;

(b) any applied law of the United Kingdom Parliament;

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(c) any Act authorising the raising or guaranteeing of a specific loan;

(d) Acts or Ordinances which have fallen into desuetude;

(e) any Act or Ordinance of a temporary or personal nature which can in the opinion of the Commissioner be conveniently omitted.

(3) Any Act or Ordinance so omitted under subsection (1) or (2) shall be repealed by a separate Act.

Validity of laws not affected by omission from the Laws.

14. No written law omitted from the Laws, under the authority of this Act or otherwise, shall be deemed to be without force and validity by reason only of the fact that it is so omitted.

Laws of Antigua and Barbuda constitute sole and proper Statute Book.

15. Subject to Sections 14 and 17, the pages duly authorised for inclusion in the Laws shall, in all courts and for all purposes, be the sole and proper Statute Book of Antigua and Barbuda in respect of the written laws contained therein as in operation on the last revision date; and all such written laws shall be judicially noticed.

Powers of Commissioner.

16. In the preparation of the Laws for any revision under Section 8 or 9, the Commissioner shall have the following powers:

(a) to omit—

(i) all written laws or parts of written laws which have been repealed expressly or by necessary implication or which have expired or have become spent or have had their effect;

(ii) all repealing provisions contained in written laws and also all tables or lists of repealed written laws whether contained in schedules or otherwise;

(iii) all words or enactments in any written law or provision of a written law;

(iv) all provisions prescribing the date when, or manner in which, any written law or part of any written law is to come into operation,

where such omission can, in the opinion of the Commissioner, conveniently be made;

- (v) all amending written laws or part of written laws where the amendments effected by such written laws have been embodied by the Commissioner in the written laws to which they relate;

(b) to consolidate into one written law any two or more written laws in *pari materia*, making the alterations thereby rendered necessary in the consolidated written laws, and affixing such date thereto as may seem most convenient;

(c) to alter the order of the provisions in any written law and in all cases where it is necessary to do so, to renumber the provisions of any written law;

(d) to alter the form or arrangement of any provision of any written law, either by combining it in whole or part with another provision or other provisions, or by dividing it into two or more provisions or by transposing words;

(e) to divide any written law, whether consolidated or not, into parts or other divisions and to give such parts or divisions suitable headings;

(f) to transfer any provisions contained in any written law from that written law to any other written law to which it more properly belongs or to a separate written law;

(g) to arrange the written laws, whether consolidated or not, in any group or sequence that may be convenient irrespective of the date of enactment;

(h) to add a long title, a short title or a citation to any written law which may require it, and, where desirable, to alter the long title, short title or citation of any written law;

(i) to shorten, simplify, clarify and otherwise alter the phraseology of any written law;

(j) to correct grammatical and typographical errors, or any clerical or printing errors in any written law,

and for that purpose to make verbal additions, omissions or alterations not affecting the meaning of any written law;

(k) to add, delete, alter and substitute definitions of terms and expressions in any written law;

(l) to supply or alter marginal notes, head notes or headings;

(m) to correct cross references;

(n) to make such formal alterations as to names, localities, offices, titles and otherwise as may be necessary to bring any written law into conformity with the circumstances of Antigua and Barbuda.

(o) to make such modifications and adaptations and to attach such qualifications and exceptions to any written law as may appear to be necessary or desirable by reason of changes in the Constitution of Antigua and Barbuda or of any Commonwealth territory or generally in the circumstances of Antigua and Barbuda or in the Government or the Public Service thereof;

(p) to do all things relating to form and method which may be necessary for the perfecting of the Laws.

No power to make alterations of substance.

17. (1) Nothing in this Act, except in Section 23, shall be construed to confer power on the Commissioner to alter the substance of any written law.

(2) In any case where it appears necessary to the Commissioner to alter the substance of any written law, otherwise than under section 23, the Commissioner may draft a Bill with a report stating the reason for the purpose.

(3) Every Bill drafted pursuant to subsection (2) shall be submitted to the Attorney-General who shall, upon the authority of the Cabinet, cause such Bill to be submitted to Parliament to be dealt with in accordance with normal procedure.

Revised Laws not to operate as new laws.

18. The Laws shall not be held to operate as new laws, but shall be construed and have effect as a consolidation and as declaratory of the written laws that have been

revised and published therein and shall not be construed as a legislative endorsement of any judicial interpretation of a pre-existing law.

19. Where, having regard to any provisions of the Interpretation Act or any other Act substituting therefor the Commissioner has, in exercise of any power conferred by this Act, recorded a written law by way of simplification, or otherwise omitted any provision thereof, or altered any written law in any other way, without affecting the substance thereof, the altered provisions of the written law published in accordance with this Act shall for all purposes be deemed to be the authentic version of the written law as if they had been enacted in that form.

Altered provisions authentic as if so enacted. Cap. 224.

20. Where in any written law or other instrument or document reference is made to any written law the provisions of which have been by virtue of this Act embodied in the Laws, such reference shall where necessary and practicable be deemed to extend and apply to the corresponding provisions in the Laws.

Construction of references to laws embodied in the Laws.

21. In the event of a loose-leaf edition—

Rectification of error of omission in the Laws.

(a) Where any error made in the publication of the Laws comes to the attention of the Commissioner, the Commissioner may forthwith rectify the error in the manner provided by this section.

(b) The Commissioner may rectify the error—

- (i) by an Order (to be called a "Correction Order") making the required amendments to the Laws; and (either alternatively or in addition);
- (ii) by a Law Revision Order removing, inserting or replacing such pages in the Laws as the circumstances may require.

(c) A Correction Order or a Law Revision Order made for the purpose of rectifying an error may have retrospective effect as from the date of the inclusion in the Laws of the page containing the error.

Alternative mode
of amending
Laws.

22. In the event of a loose-leaf edition—

(a) Notwithstanding the provisions of Section 7(a), where the Commissioner thinks it expedient, in the interests of economy or convenience, in revising any page of the Laws to which an amendment has been made since the last revision date or to which the Commissioner proposes to make an amendment, the Commissioner may, as an alternative to incorporating the amendment in the Laws by removing the page and inserting in its place a page setting out the Law as amended,

- (i) allow the page to which the amendment related (in this section called the "amended page") to continue to form part of the Laws; and
- (ii) include in the Laws a page (in this section called an "amendment page") setting out the particulars of the amendment.

(b) The exercise of his powers under this section in respect of an amendment shall in no way prejudice the power of the Commissioner at any time to incorporate that amendment in the Laws by removing the amended page and inserting in its place a page setting out the Law as amended.

(c) An amendment page shall for all purposes form part of the Laws and may be dealt with in accordance with the provisions of this Act in the same manner as any other page of the Laws.

Further powers
on first revision.

23. In the first revision under this Act of any written law in force at the commencement of this Act, the Commissioner, in addition to the powers and duties conferred on him by the above provisions of this Act shall have the further powers and duties set out in the Schedule.

Schedule.

Expenses of
Revision.

24. The expenses of and incidental to the preparation and publication of the Laws shall be a charge on the Consolidated Fund.

Schedule

The additional powers and duties of the Commissioner provided for in Section 23 of this Act are as follows:

1. (a) In any written law imposing a specified fine, the Commissioner shall in lieu of such fine substitute a fine calculated in accordance with the provisions of subparagraphs (b) and (c).

(b) The fine shall first be increased as follows—

- (i) where the law imposing the fine was made before the year 1962 the fine shall be multiplied by 10;
- (ii) where the law imposing the fine was made in or after the year 1962 but before the year 1967 the fine shall be multiplied by 10;
- (iii) where the law imposing the fine was made in or after the year 1967 but before the year 1971 the fine shall be multiplied by 5;
- (iv) where the law imposing the fine was made in or after the year 1971 but before the year 1976 the fine shall be multiplied by 3;
- (v) where the law imposing the fine was made in or after the year 1976 but before the year 1982 the fine shall be multiplied by 2;

and where the law imposing the fine is an amending law inserting the fine in a principal law in which one or more other fines are imposed, the Commissioner may, for the purposes of this subparagraph treat the amending law as having been made at the date of the principal law or at such intervening date that the fine increased in accordance with the above formula may, in the judgment of the Commissioner, best accord with the scale of fines prescribed in the principal law.

(c) The figure arrived at in calculating the increased fines (in dollars) in accordance with subparagraph (b) and any monetary fine imposed by a law made in 1982 or after shall, subject to the exceptions indicated, be rounded off as follows—

- (i) where not more than \$25, the figure (if not a multiple of five) shall be rounded off to the next higher figure which is a multiple of five;
- (ii) where more than \$25, but not more than \$50, the figure (if not a multiple of ten) shall be rounded off to the next higher figure which is a multiple of ten;
- (iii) where more than \$50, but not more than \$100, the figure (if not a multiple of twenty-five) shall be rounded off to the next higher figure which is a multiple of twenty-five;
- (iv) where more than \$100, but not more than \$300, the figure (if not a multiple of fifty) shall be rounded off to the next higher figure which is a multiple of fifty;

- (v) where more than \$300, but not more than \$500, the figure (if not a multiple of one hundred) shall be rounded off to the next higher figure which is a multiple of one hundred;
- (vi) where more than \$500, but not more than \$1,000, the figure (if not a multiple of two hundred and fifty) shall be rounded off to the next higher figure which is a multiple of two hundred and fifty;
- (vii) where more than \$1,000, but not more than \$2,000, the figure (if not a multiple of five hundred) shall be rounded off to the next higher figure which is a multiple of five hundred;
- (viii) where more than \$2,000, the figure (if not a multiple of one thousand) shall be rounded off to the next higher figure which is a multiple of one thousand.

(d) In this paragraph "fine" includes any sum to be paid or forfeited by way of a penalty.

2. The following sums occurring in any written law shall be increased in the manner provided in paragraph 1 as if they were fines imposed within the meaning of that paragraph:

- (a) a sum prescribed as a fine or a maximum fine that may be imposed by a subordinate law-making authority; or
- (b) a sum specified for the purpose of a bond or recognizance into which anyone is required to enter in or in respect of any criminal matter.

3. (1) When a written law prescribes a monetary sum other than a monetary sum to which paragraphs 1 and 2 apply, the Commissioner, with the approval of the Attorney-General signified by Notice in the *Gazette*, may increase the sum to an amount not exceeding the amount that would be authorised if the sum were a fine to which paragraph 1 applies.

(2) (a) Where a written law prescribes a fee for any purpose the Commissioner, with the approval of the Attorney-General signified by Notice in the *Gazette*, may delete the fee from the written law and make any necessary consequential deletions and adaptations in the written law.

(b) In this subparagraph, the expression "fee" means any sum required to be paid as a charge in respect of any service, grant, permission or other consideration.

4. (1) Where any law (in whatever terms) prescribes six or twelve cents for any purpose, the Commissioner may round off the figure and substitute ten or fifteen cents, respectively.

(2) Where any law (in whatever terms) prescribes twenty-four cents or twenty-four dollars or any multiple of these sums for any purpose, the Commissioner may round off the figure and substitute, respectively, twenty-five cents or twenty-five dollars and, in the case of a multiple of any of these sums, a proportionately rounded-off sum.

5. Where any provision of a written law vests any functions in a public officer (which expression in this paragraph includes the Governor-General, a Minister, a Judge of the Supreme Court and the holder of public office without emolument), the Commissioner, with the approval of the Prime Minister signified by Notice in the *Gazette*, may substitute a provision vesting the functions in any other public officer.

6. Where any written law provides for subsidiary legislation made by an authority to be submitted to the Senate or the House or both in such terms that the subsidiary legislation is in substance subject to negative or subject to affirmative resolution of the Senate or the House or both the Commissioner may substitute a provision to the effect that the subsidiary legislation may be made by the authority subject to negative resolution or subject to affirmative resolution of the Senate or the House or both or provide that such subsidiary Legislation shall be laid before the Senate or the House or both as the case may be and may omit any provision contained in the written law as to the period within which the subsidiary legislation is to be submitted to the Senate or the House or both or within which the Senate or the House or both are to approve or annul such subsidiary legislation or any provision as to the proof of any matters or things in relation thereto or any other such ancillary provisions.

7. (1) Where a reference to any weight or measure other than a metric weight or measure occurs in any written law the Commissioner may substitute the equivalent metric weight or measure within the meaning of any law which provides for such conversion.

(2) With the approval of the Attorney-General signified by Notice in the *Gazette*, the weight or measure substituted under sub-paragraph (1) may vary from the equivalent of the weight or measure for which it is substituted but only so far as, in the opinion of the Attorney-General such variation is necessary or expedient for the purpose of facilitating the practical application and administration of the particular law.

ANTIGUA AND BARBUDA

STATUTORY INSTRUMENTS

1988, No.28

NOTICE by the Attorney-General under section 1 of the Law Revision Act 1987 (No. 19 of 1987) bringing that Act into force.

NOTICE is given that I appoint the 15th day of July, 1988 as the date on which the Law Revision Act 1987, (No. 19 of 1987) comes into force.

Dated the 7th day of July, 1988.

K.M.E. Ford, Q.C.
Attorney-General.
