

INTRODUCTION FILE

THE REVISED EDITION OF THE LAWS BILL 1995.

.....
(NAME OF BILL)

CONTENTS: Bill
Objects and Reasons
Notice of Presentation
Covering letter from Minister to Clerk to Parliament
(~~Authorisation from Minister of Finance under s.60 of Constitution~~)

FROM: Attorney General's Chambers *WAG*

TO: Minister
(for signing Objects & Reasons, Notice of Presentation and covering letter to Clerk)

TO: *Minister of Finance*
(for signing of letter to Clerk signifying Cabinet approval under s.60 of Constitution)

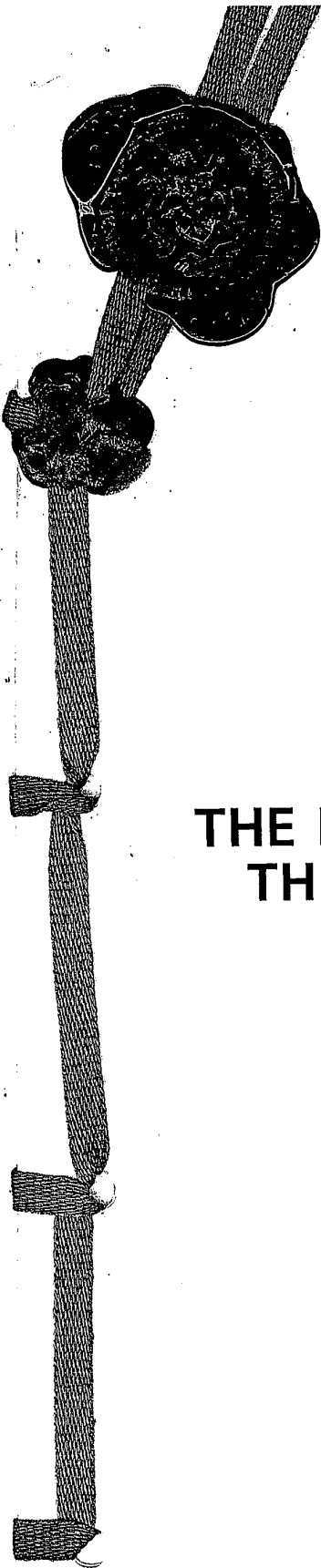
TO: Clerk to National Parliament *WAG 26/6*
(for certificate by Speaker)

TO: Attorney General's Chambers
(for printing)

TO: Clerk to National Parliament
(for reference during 1st, 2nd and 3rd Readings)
(Date passed... *26 June 1995* Act No. *5/95*)

TO: Attorney General's Chambers *WAG 8/8/95*
(for checking before Assent)

TO: Governor-General *WAG 10/08/95*
(for Assent)



THE REVISED EDITION OF THE LAWS ACT 1995

(NO. 5 OF 1995)



THE REVISED EDITION OF THE LAWS ACT 1995

(NO. 5 OF 1995)

Passed by the National Parliament this twenty-sixth day of June 1995.

This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true and correct copy of the said Bill.

A handwritten signature in cursive script, appearing to read 'E. Andresen'.

*Elizabeth Andresen
Deputy Clerk to the National Parliament*

Assented to in Her Majesty's name and on Her Majesty's behalf this tenth day of August 1995.

A handwritten signature in cursive script, appearing to read 'M. Pitakaka'.

*Moses P. Pitakaka
Governor-General*

Date of commencement: date of publication in the Gazette.

AN ACT To Make provision for the preparation and publication
of a Revised Edition of the Laws of Solomon Islands.

ENACTED by the National Parliament of Solomon Islands.

THE REVISED EDITION OF THE LAWS ACT 1995

ARRANGEMENT OF SECTIONS

Section:

1. Short title.
2. Interpretation.
3. Establishment of the Revised Edition of the Laws Commission.
4. Powers of Commission.
5. Omission of certain laws from the revised edition.
6. Mode of dealing with alteration in substance.
7. Subsidiary legislation.
8. Contents of revised edition.
9. Bringing the revised edition into force.
10. Complementary matter in revised edition.
11. Rectification of errors in revised edition.
12. Construction of references.
13. Copies to be signed and deposited.
14. Distribution of copies of revised edition.
15. Remuneration.
16. Place of this Act in the revised edition.

1995

1. This Act may be cited as the Revised Edition of the Laws Act 1995.

Short title.

2. In this Act "revised edition" means the revised edition of the Solomon Islands Laws to be prepared under the authority of this Act.

Interpretation.

3. (1) For the purpose of preparing a revised edition of the laws of Solomon Islands there shall be a commission, to be known as the Revised Edition of the Laws Commission, (hereinafter referred to as the "Commission".)

Establishment of the Revised Edition of the Laws Commission.

(2) The Minister may, by notice in the Gazette, appoint the persons who shall constitute the Commission.

(3) In case any member of the Commission shall from any cause be unable fully to discharge his duties under this Act, the Minister may appoint some other fit and proper person to be a member in his stead.

4. In the preparation of the revised edition the Commission shall have the following powers -

Powers of Commission.

- (a) to omit -
 - (i) all Acts or parts of Acts which have been repealed expressly or by necessary implication or which have expired, or which have become spent or have had their effect;
 - (ii) all repealing enactments contained in Acts, and all tables or lists of repealed enactments whether contained in Schedules or otherwise;
 - (iii) all preambles or parts of preambles to Acts, and all or any recitals in Acts, where such omission can, in the opinion of the Commission, conveniently be made;
 - (iv) all words of enactment in any Act;
 - (v) all enactments prescribing the date when an Act or part of an Act is to come into operation, where such omission can, in the opinion of the Commission, conveniently be made;
 - (vi) all amending Acts or parts thereof where the amendments effected thereby have been embodied by the Commission in the Acts to which they relate;
- (b) to arrange the grouping and sequence of Acts;
- (c) to consolidate into one Act any two or more Acts in *pari materia*, making the alterations thereby rendered necessary and affixing such date thereto as may seem most convenient;

Commission.
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- (d) to alter the order of sections in any Act and, in all cases where it may be necessary to do so, to renumber the sections;
- (e) to alter the form of arrangement of any section by transferring words, by combining it in whole or in part with another section or other sections or by dividing it into two or more subsections;
- (f) to transfer any enactment contained in any Act from such Act to any other Act to which that enactment more properly belongs making such alterations as are thereby rendered necessary or expedient;
- (g) to divide Acts into parts or divisions;
- (h) to add a short title to any Act which may require it or to alter the short title of any Act;
- (i) to supply or alter marginal and other notes, and tables of contents and chronological tables, and to provide footnotes by way of amplification:
 Provided that such tables and notes shall not form part of the Act in which they appear;
- (j) to correct cross references;
- (k) to correct grammatical, typographical and similar errors in the existing copies of Acts, and for that purpose to make verbal additions, omissions or alterations not affecting the meaning of any Act;
- (l) to shorten or simplify the phraseology of any Act;
- (m) to correct the punctuation in any Act;
- (n) to make such adaptations of or amendments in any Acts as may appear to be necessary or proper as a consequence of constitutional changes within the Commonwealth;
- (o) to make such formal alterations as to names, localities, offices and otherwise as may be necessary to bring any Act into conformity with the circumstances of Solomon Islands;
- (p) to make such formal alterations to any Act as are necessary or expedient for the purpose of securing uniformity of expression in the revised edition;
- (q) to do all things relating to form and method, whether similar to the foregoing or not, which appear to the Commission necessary for the perfecting of the revised edition.

5. (1) The Commission shall omit from the revised edition -
- (a) the Acts, or parts of Acts, specified in the First Schedule and the subsidiary legislation made under those Acts or parts thereof, specified in the Second Schedule;
 - (b) any current financial appropriation Act;
 - (c) any Act containing only special provision in relation to any person named therein; and
 - (d) Provincial Ordinances and subsidiary legislation of local application:

Omission of certain laws from the revised edition.

Provided that, anything in this Act to the contrary notwithstanding, the said Acts or parts thereof and the said subsidiary legislation shall remain in force until the same shall have been repealed, revoked or cancelled, as the case may be, or shall have expired or become spent or had effect.

- (2) At any time before the revised edition is brought into force under section 9(1), the Minister in his discretion may by order make any addition to or variation in the First Schedule and the Second Schedule.

6. (1) The powers conferred upon the Commission by sections 4 and 8 shall not be taken to imply any power to make any alteration or amendment in the matter or substance of any law.

Mode of dealing with alteration in substance.

- (2) Subject to the provisions of subsection (4), in every case where any such alteration or amendment is, in the opinion of the Commission, desirable, the Commission shall draft a Bill setting forth such alterations and amendments and authorising them to be made in the revised edition, and every such Bill shall, subject to the sanction of the Minister, be submitted to the National Parliament and dealt with in the ordinary way.

- (3) Any such Bill may have reference to more Acts than one, although such Acts may not be in *pari materia*.

- (4) In any case where an Act, whether consolidated or not, requires such considerable alterations and amendments as to involve its entire re-casting, the Commission shall draft a Bill accordingly, and any such Bill shall, subject to the sanction of the Minister, be submitted to the National Parliament and dealt with in the ordinary way.

7. (1) In the preparation of the revised edition the Commission shall, in respect of subsidiary legislation made under Acts, have the like powers to do all things as are conferred upon the Commission by this Act in respect of Acts.

Subsidiary legislation.

(2) For the avoidance of doubt it is hereby declared that subsidiary legislation in force at the date when the revised edition comes into force and made under any Act included in the revised edition, shall continue in force until otherwise provided.

Contents of revised edition.

8. (1) The Commission shall prepare or cause to be prepared and included in the revised edition a Table of the Acts in force on the thirty-first day of December, 1995.

(2) The revised edition shall be printed in one or more volumes, which shall, subject to the provisions of this Act, contain the Acts in force on the thirty-first day of December, 1995, or such later date as the Minister may, by notice, appoint.

(3) Each Act shall form a separate chapter and the chapters shall be numbered consecutively and arranged under such titles as the Commission may determine, and below the number of each chapter there shall be set out the subject matter of the chapter.

(4) The number and year of the principal Act and of each amending or incorporated Act shall be set out in the margin at the commencement of each chapter.

(5) The date on which the principal Act came into operation shall be set out immediately below the title of the Act.

Bringing the revised edition into force.

9. (1) The Governor-General in his discretion may by order declare that the revised edition shall come into force on such date as he may think fit.

(2) From the date specified in the order under subsection (1), 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 laws of Solomon Islands in respect of all Acts, and all subsidiary legislation made under any Act, contained in the revised edition.

Complementary matter in revised edition.

10. The revised edition may also contain such indices, notes and references as the Commission considers useful to include.

Rectification of errors in revised edition.

11. (1) The Attorney-General may by order rectify any clerical or printing error appearing in the revised edition, or rectify in a manner not inconsistent with the powers of revision conferred by this Act any other error so appearing.

(2) Every order made under this section shall be laid before the National Parliament without unreasonable delay, and, if a resolution is passed at the meeting of the National Parliament at which the order is so laid, or at the meeting next following, that

the order be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder, or to the making of a new order.

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

Construction
of
references.

13. One copy of each volume of the revised edition shall be dated and signed by the Chairman of the Commission and by the Governor-General and shall be sealed with the public seal. Such copy shall be transmitted to the Chief Justice who shall deposit the same among the records of the High Court.

Copies to
be signed
and
deposited.

14. (1) Copies of the revised edition shall be distributed among such persons, officers, departments and institutions as the Minister in his discretion may direct.

Distribution
of copies
of revised
edition.

(2) There shall be offered to the public such number of copies at such price as the Minister in his discretion may direct.

15. There shall be paid to the members of the Commission, such remuneration (whether by way of honorarium, salary or fees) and such allowance as the Minister may determine.

Remuneration.

16. This Act shall be printed at the commencement of the revised edition.

Place of
this Act
in the new
edition.

FIRST SCHEDULE
(section 5)

ACTS TO BE OMITTED FROM THE REVISED EDITION

Cap. 45	Local Administration Act
2 of 1970	The Public Health Act
7 of 1970	The Revised Edition of the Laws Act
13 of 1978	The Special Pensions Act
17 of 1978	The Citation of Ordinances Act
7 of 1983	The Ombudsman (Further Provisions) Retrospective Operation and Validation Act
9 of 1983	The Price Control (Retrospective Operation and Validation) Act
20 of 1987	The Employment (Notice of Commencement) (Validation) Act
7 of 1992	The Citizenship (Amendment) (Validation and Indemnity) Act

SECOND SCHEDULE
(section 5)

SUBSIDIARY LEGISLATION OR PARTS THEREOF
TO BE OMITTED FROM THE REVISED EDITION

All subsidiary considered by the Commission to be of a transient nature.