

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER R55

REVISED STATUTES AND REGULATIONS ACT

Showing the Law as at 15 December 2004

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—

Act 1/2003, in force 31 January 2003

Published by Authority

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REVISED STATUTES AND REGULATIONS ACT

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REVISED STATUTES AND REGULATIONS ACT

Definitions

1. In this Act—

"Commissioner" means the Law Revision Commissioner appointed under section 2;

"Legislature" means the Legislature as defined in section 73(1) of the Constitution of Anguilla and includes any predecessor of that Legislature;

"prescribed" means prescribed by regulation;

"regulation" means a regulation within the meaning of the Interpretation and General Clauses Act and includes part of a regulation;

"Revised Statutes and Regulations" means the Revised Statutes and Regulations of Anguilla referred to in section 7(7);

"revision date" means the date as at which the Revised Statutes and Regulations states the law;

"statute" means an Act or part of an Act of the Legislature.

Appointment of Commissioner

2. (1) The Governor in Council may appoint a Commissioner.

(2) When no other person is appointed Commissioner, the Attorney General is deemed to be appointed Commissioner.

General duties and powers of Commissioner

3. In accordance with this Act, the Commissioner—

(a) shall—

(i) revise the statutes and regulations that were in force on or after 24 October, 1961 or were enacted before the prescribed revision date, other than those omitted under section 4(1)(a) or (b),

(ii) prepare an edition of the Revised Statutes and Regulations and of the appendices described in section 6(3) in printed and in electronic form and in any other form directed by the Attorney General, and

(iii) arrange for the publication of the edition; and

(b) may, before the completion of the edition of the Revised Statutes and Regulations, prepare an edition of a statute and its regulations described in paragraph (a) and publish the edition as an interim revised statute and its regulations, if the Commissioner is of the opinion that resources are sufficient and the public would benefit from the early revision and publication.

Powers of Commissioner

4. (1) In performing his duties under this Act, the Commissioner may—

(a) omit and provide for the repeal of any statute or regulation that is inoperative, obsolete, expired, spent, has had its effect or has been superseded by or is inconsistent with any later statute or regulation to be included in the edition of the Revised Statutes and Regulations;

(b) omit without providing for the repeal of—

(i) any statute that provides for the appropriation of money for, or the borrowing of money by, the Government and that is not spent, or

(ii) any statute or regulation mentioned in section 6(1)(d);

(c) consolidate 2 or more statutes or regulations into 1, divide a statute or regulation into 2 or more statutes or regulations and transfer provisions from 1 statute to another, from 1 regulation to another or from a statute to a regulation or a regulation to a statute;

(d) alter the numbering and arrangement of any statute or regulation including consolidating 2 or more provisions of a statute or regulation into 1, dividing a provision in a statute or regulation into 2 or more provisions and transferring words from 1 provision to another;

(e) add, alter or omit any marginal note;

(f) add a title or heading to a statute or regulation, alter the title of or any heading in a statute or regulation or omit any heading from a statute or regulation;

(g) divide any statute or regulation into parts or other divisions and give each part or division a heading;

(h) add, alter or omit anything that is necessary to bring out more clearly what is deemed to be the intention of the Legislature or to reconcile seemingly inconsistent statutes or regulations;

(i) alter the language so as to give simpler, shorter and better expression to the meaning of a statute or regulation;

(j) make any alterations in language and punctuation that are desirable to obtain uniformity of expression;

(k) correct clerical, grammatical and typographical errors;

(l) omit the preamble from a statute or regulation;

(m) make any amendment to a name, locality, office or other similar thing that may be necessary to make a statute or regulation conform to the circumstances in Anguilla;

(n) make any amendment to a statute or regulation that appears necessary as a result of constitutional changes in Anguilla, in any Commonwealth country or in the composition of the Commonwealth or in any other country;

(o) include as a regulation any document published in the *Gazette* that is a regulation but is not so identified and exclude any document that is identified as a regulation but is not;

(p) adopt uniform terminology in describing regulations made by a regulation-making authority in a statute in place of various terms such as "proclamation", "order" or "rule" in order to facilitate the consolidation of regulations into larger units;

(q) add to, or alter the authority in, the statute under which a regulation is made to clearly identify when an exercise of statutory power is a regulation;

(r) when a regulation-making power is sub-delegated without express authority, delete the purported sub-delegation and make such alterations as are necessary to consolidate the regulation made under the sub-delegation with the regulation that made the sub-delegation;

(s) omit any forms or schedules contained in a statute or regulation and add authority to a statute for forms or schedules to be prescribed by regulation;

(t) add a table of contents when the length of the statute or regulation makes it advisable; and

(u) do any other thing that appears necessary or advisable to perfect the revision.

(2) The powers of the Commissioner referred to in paragraphs (1)(a) and (c) to (u) shall be exercised so as not to change the substance of the law.

Duty of Commissioner re amendments

5. (1) This section applies when the Commissioner is not the Attorney General.

(2) If, before the publication of the edition of the Revised Statutes and Regulations—

(a) the Commissioner considers that an amendment affecting the substance of a statute or regulation is advisable; and

(b) the Attorney General agrees;

the Commissioner shall draft the amendment for the consideration of the Attorney General.

(3) If the amendment is enacted in sufficient time, the Commissioner shall include it in the edition of the Revised Statutes and Regulations.

Form and content of revised edition

6. (1) The edition of the Revised Statutes and Regulations shall contain—

(a) the statutes and regulations referred to in section 3(a), other than those omitted under sections 4(1)(a) and (b);

(b) a schedule of the principal statutes and regulations omitted from and repealed on the coming into force of the edition;

(c) a schedule of the principal statutes and regulations consolidated in the edition;

(d) a schedule of principal statutes and regulations not repealed by the edition and an indication as to whether the statute or regulation is consolidated;

(e) a schedule showing the disposal of principal statutes and regulations that were in force on 24 October, 1961 or were enacted after that date but before the revision date of the edition; and

(f) any other tables, explanatory material or indexes the Commissioner considers desirable to include.

(2) Two or more of the schedules referred to in subsection (1) may be combined.

(3) The Commissioner shall set out in appendices to the edition of the Revised Statutes and Regulations any laws of the United Kingdom and any treaties and conventions applicable to Anguilla that the Commissioner considers desirable to include.

Bringing revised edition into force

7. (1) When the edition of the Revised Statutes and Regulations is complete, the Commissioner and the Attorney General shall—

(a) authenticate it by signing it; and

(b) deliver it to the Governor.

(2) The Governor shall cause the edition of the Revised Statutes and Regulations to be laid before the House of Assembly.

(3) After the House of Assembly has passed a resolution authorising him to do so, the Governor in Council may by regulation declare the day on which the edition of the Revised Statutes and Regulations is to come into force.

(4) The day as at which the edition of the Revised Statutes and Regulations states the law shall be indicated on the edition.

(5) The day referred to in subsection (3) shall not be earlier than the day that copies of the edition of the Revised Statutes and Regulations are ready for distribution to the public.

(6) Notwithstanding subsection (3), if a statute or regulation in the edition of the Revised Statutes and Regulations is stated in the edition to come into force on publication of a proclamation, notice or other instrument, the following applies—

(a) if the statute or regulation was not in force before the date on which the edition comes into force, the declaration under subsection (3) does not operate to bring the corresponding revised statute or regulation into force;

(b) if the original statute or regulation was in force before the revised edition came into force, the declaration under subsection (3) operates to bring the corresponding revised statute or regulation into force.

(7) The edition of the Revised Statutes and Regulations laid before the House of Assembly is the original of the statutes and regulations set out in it.

Citation of Revised Statutes and Regulations

8. (1) On and after the date it comes into force, the edition of the Revised Statutes and Regulations shall be known under the designation "Revised Statutes and Regulations of Anguilla".

(2) A statute in the Revised Statutes and Regulations may be cited by its title and the designation "Revised Statutes of Anguilla" followed by its chapter number or "R.S.A." followed by its chapter number in the format "c. [insert number]".

(3) A regulation in the Revised Statutes and Regulations may be cited by its title and the designation "Revised Regulations of Anguilla", or "R.R.A.", followed by its number.

Effect of revised edition

9. (1) On the date the edition of the Revised Statutes and Regulations comes into force, a statute or regulation shown as being—

(a) omitted from and repealed by the Revised Statutes and Regulations; or

(b) consolidated in the Revised Statutes and Regulations;

is repealed to the extent shown.

(2) The Revised Statutes and Regulations shall not be held to operate as new law but shall be construed and have effect as a consolidation of the law contained in the statutes and regulations for which the Revised Statutes and Regulations were substituted.

(3) The various provisions of the Revised Statutes and Regulations corresponding to and substituted for the statutes and regulations previously in force shall, when they are the same in effect as those of the previous statutes and regulations, operate retrospectively as well as prospectively and shall be deemed to have been passed respectively on the days on which the corresponding previous statutes and regulations came into force.

(4) Subject to any regulation made under section 11, if on any point the provisions of the Revised Statutes and Regulations are not in effect the same as the statutes and regulations for which they are substituted, then, notwithstanding section 4, with respect to all transactions, matters and things on or subsequent to the day on which the Revised Statutes and Regulations came into force, the provisions contained in them prevail, but with respect to all earlier transactions, matters and things the previous statutes and regulations prevail.

(5) A regulation included in the Revised Statutes and Regulations as a result of the exercise of a power in section 4(1)(c), (o), (q) or (s) is deemed to have been made under the statute in the Revised Statutes and Regulations pursuant to any provisions under which it might have been made.

(6) A reference in—

(a) a statute or regulation that is omitted from but not repealed by the Revised Statutes and Regulations; or

(b) any instrument or document;

to a statute or regulation that is repealed by the Revised Statutes and Regulations shall, after the Revised Statutes and Regulations come into force, be held with respect to any subsequent transaction to be a reference to the statute or regulation in the Revised Statutes and Regulations having the same effect as the repealed statute or regulation.

Publication and distribution

10. (1) The Revised Statutes and Regulations shall be published in a set of printed volumes.

(2) A set of the Revised Statutes and Regulations shall be given to each of the following persons—

(a) the Secretary of State;

(b) the Governor;

(c) the Speaker of the House of Assembly;

(d) the Clerk of the House of Assembly;

(e) the Registrar of the High Court;

(f) the Commissioner.

(3) The Revised Statutes and Regulations shall be—

(a) published for general distribution in the printed form and in any other form that the Attorney General directs;

(b) distributed to the persons, offices, departments and institutions within or outside Anguilla directed by the Governor in Council; and

(c) offered for sale to the public on the terms authorised by the Governor in Council.

(4) In paragraph (3)(c), "sale" includes a contractual right of access by remote computer to an electronic version of the Revised Statutes and Regulations.

Correction of revised edition

11. (1) The Governor in Council may, not later than 1 year after the day on which the edition of the Revised Statutes and Regulations comes into force under section 7(3), make regulations to rectify

any error in the Revised Statutes and Regulations in a manner not inconsistent with the powers of revision given to the Commissioner.

(2) A regulation made under subsection (1) may be made retroactive to the revision date of the Revised Statutes and Regulations.

Interim revised edition

12. (1) Subject to this section, this Act applies, with all necessary modifications, to an edition of an interim revised statute and its regulations prepared under section 3(b).

(2) An edition of an interim revised statute and its regulations shall repeal the statute and regulations for which it is substituted.

(3) When an edition of an interim revised statute and its regulations is complete, the Commissioner and the Attorney General shall—

(a) authenticate it by signing it; and

(b) deliver it to the Governor.

(4) The edition of an interim revised statute and its regulations comes into force on the day specified in it as the day as at which it shows the law.

(5) The day referred to in subsection (4) shall not be earlier than the day that copies of the edition of the interim revised statute and its regulations are ready for distribution to the public.

(6) A reference in—

(a) a statute or regulation; or

(b) any instrument or document;

to a statute or regulation that is repealed in an edition of an interim revised statute or regulation shall, after the edition comes into force, be held with respect to any subsequent transaction to be a reference to the statute or regulation in the interim revised statutes and its regulations having the same effect as the repealed statute or regulation.

(7) The edition of an interim revised statute and its regulations delivered to the Governor is the original of the statute and regulations set out in it and may be delivered to the Clerk of the House of Assembly for safekeeping.

(8) The date as at which an edition of an interim revised statute and its regulations states the law shall be indicated on the edition.

(9) A statute in an edition of the interim revised statute and its regulations may be cited by its title and the designation “Interim Revised Statutes of Anguilla” followed by its chapter number, or by the abbreviation “I.R.S.A.” followed by its chapter number in the format “c. [insert number]”, and the date as at which the edition states the law.

(10) A regulation in an edition of the interim revised statute and its regulations may be cited by its title and the designation “Interim Revised Regulations of Anguilla” followed by its regulation

number, or the abbreviation "I.R.R.A." followed by its regulation number, and the date as at which the edition states the law.

Supplement

13. (1) The Commissioner may revise the statutes and regulations enacted after the revision date prescribed for the edition of the Revised Statutes and Regulations in order to bring the statutes and regulations into conformity with the Revised Statutes and Regulations.

(2) The provisions of this Act relating to the preparation, bringing into force and interpretation of the Revised Statutes and Regulations apply, with all necessary modifications, to the statutes and regulations revised under this section.

Periodic revision of statutes and regulations

14. (1) After the date that the Revised Statutes and Regulations come into force, the Law Revision Commissioner may—

(a) revise those statutes and regulations that, in the opinion of the Law Revision Commissioner, require revision and that were enacted, whether or not they were in force, on the previous revision date or after that date but before a subsequent revision date established by the Law Revision Commissioner as the date as at which the statutes and regulations revised show the law;

(b) prepare an edition of those statutes and regulations in printed and electronic form and in any other form directed by the Attorney General; and

(c) arrange for the publication of the edition;

and the edition comes into force on a day the Governor in Council, by regulation, declares to be the day on which the edition of the revised statute or regulation comes into force.

(2) The statutes and regulations referred to in subsection (1) shall be authenticated by the Law Revision Commissioner and delivered to the Governor.

(3) The day as at which the revised edition of the statutes and regulations shows the law shall be indicated on the edition.

(4) The day referred to in subsection (1) shall not be earlier than the day that copies of the revised edition referred to in subsection (1) are ready for distribution to the public.

(5) A reference in—

(a) a statute or regulation; or

(b) any instrument or document;

to a statute or regulation that is repealed in a revised edition referred to in subsection (1) shall, after the revised edition referred to in subsection (1) comes into force, be held with respect to any subsequent transaction to be a reference to the statute or regulation in the revised edition having the same effect as the repealed statute or regulation.

(6) The revised edition referred to in subsection (1) authenticated by the Law Revision Commissioner is the original of the statutes and regulations set out in it.

(7) Subject to this section, the provisions of this Act applicable to the Revised Statutes and Regulations, and more particularly sections 4, 6, 7(6), 8 and 9(1) to (5), apply, with appropriate changes as the circumstances require, to the revised edition referred to in subsection (1).

(Act 1/2003, s.1)

Correction of errors in periodic revision

15. The Governor in Council may by regulation correct any error in a revised edition of a statute or regulation referred to in section 14, including any error in consolidation or revision and any grammatical, clerical, typographical, numbering, cross-referencing or other similar error, and may make the regulation retroactive to the extent necessary to give effect to the correction.

Regulations

16. The Governor in Council may by regulation prescribe a revision date for the purpose of section 3(a)(i).

Citation

17. This Act may be cited as the Revised Statutes and Regulations Act, Revised Statutes of Anguilla, Chapter R55.