

ST HELENA, ASCENSION AND TRISTAN DA CUNHA

REVISED EDITION OF THE LAWS, 2017

BASIC LAWS

(Annexed to the General Introduction)

REVISED EDITION OF THE LAWS ORDINANCE, 1999¹

Ordinance 14 of 1999

In force 21 December 1999

Amended by Ordinances 9 of 2007 and 12 of 2012

L.N. 11 of 2001 was the Attorney General's Order for the omission of certain laws from the 2001 Revised Edition.²

L.N. 12 of 2001 was the Order for the commencement of that Revised Edition.³

No other subsidiary legislation to 1 November 2017, but see G.N.7 of 2018 for the Attorney General's Notice under section 10(3) bringing the Revised Edition into force⁴

REVISED EDITION OF THE LAWS ORDINANCE, 1999

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¹ Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 November 2017.

² See the List of Omitted Laws annexed to the General Introduction.

³ The procedure for bringing a Revised Edition into force was simplified by Ordinance 12 of 2012 and does not now require an Order.

⁴ "The Revised Edition of the Laws of St Helena, Ascension and Tristan da Cunha, 2017 set out on a website maintained by the St Helena Government, showing the law as at 1 November, 2017 (or a later revision date as noted in the revised text) and authenticated as prescribed by section 10(2) of the Revised Edition of the Laws Ordinance, 1999, comes into force on 15 January 2018; and from that date is, in all courts of justice and for all purposes, the sole authentic edition of the Laws of St Helena, Ascension and Tristan da Cunha contained in it and in force on the revision date."

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First Schedule: Omitted Ordinances

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AN ORDINANCE to make provision for the revision and consolidation of the laws of St Helena, Ascension and Tristan da Cunha and the preparation and publication of revised editions of the laws in various formats.

Short title

1. This Ordinance may be cited as the Revised Edition of the Laws Ordinance, 1999.

Interpretation

2. In this Ordinance, unless the context otherwise requires—
 - “**Commissioner**” means the Law Revision Commissioner appointed under section 3, and if no such person is currently appointed, means the Attorney General;
 - “**effective date**” is the date when the relevant revised edition comes into force, pursuant to section 10(3);
 - “**Ordinance**” includes subsidiary legislation made under that Ordinance;
 - “**page**” in relation to a publication in electronic or computer form, includes any separate item of text;
 - “**revised edition**” means a revised edition of the laws of St Helena, Ascension, or Tristan da Cunha, as the case may be, prepared by the Law Revision Commissioner under the authority of this Ordinance, and includes—
 - (a) a complete revised edition prepared under section 4;
 - (b) a revised booklet prepared under section 5;
 - (c) a page of the revised edition;
 - “**revision date**” is the date up until which the relevant revised edition is current, and—
 - (a) the relevant revised edition must show the law as amended and in force on that date;
 - (b) the revision date must be marked upon the cover and every page of a printed revised edition, and in such places in a non-printed revised edition as are practical to notify that revision date;
 - (c) different revision dates may be marked upon different pages of the revised edition.

Appointment of Commissioner

3. (1) The Governor in Council may, by Order published in the *Gazette*, appoint a suitably qualified person to be the Commissioner for the purpose of the revision and consolidation of the laws of St Helena, Ascension or Tristan da Cunha, as the case may be, and the preparation of a revised edition of all or any of them.

(2) In case the Commissioner is unable, for any cause, fully to discharge his or her commission under this Ordinance, the Governor in Council may appoint some other fit and proper person to be the Commissioner instead.

Complete revised edition

4. (1) A complete revised edition of the laws of St Helena, Ascension or Tristan da Cunha, as the case may be, must contain—

- (a) all Ordinances and subsidiary legislation in force on the revision date, that are not omitted pursuant to section 6 or 8;
- (b) such laws of the United Kingdom as apply to St Helena, Ascension or Tristan da Cunha, as the case may be, and which the Commissioner considers it desirable to include;
- (c) such treaties and conventions relevant to St Helena, Ascension or Tristan da Cunha, as the case may be, as the Commissioner considers it desirable to include;
- (d) such introductory and explanatory material, and such tables, indexes and annotations as the Commissioner considers it desirable to include.

(2) A complete revised edition may be contained in any of the following formats, namely—

- (a) bound books;
- (b) a collection of booklets;
- (c) loose-leaf books;
- (d) CD ROM or other means of electronic storage;
- (e) a data bank accessible by remote computer in any manner.

Revised booklets

5. (1) A revised booklet is a booklet that contains a revised edition of an Ordinance and related subsidiary legislation, or a similar separate body of related laws.

(2) A revised booklet may contain any of the material listed in section 4(1) that is relevant to the distinct subject of the booklet.

(3) A revised booklet may be contained in any of the following formats, namely—

- (a) a bound booklet;
- (b) a collection of loose-leaf pages designed for insertion in a binder;
- (c) a CD ROM or other means of electronic storage;
- (d) an item in a data bank accessible by remote computer in any manner.

Powers of Commissioner

6. In the preparation of a revised edition, the Commissioner has the following powers—

- (a) to omit—
 - (i) all Ordinances or parts of Ordinances which have been expressly and specifically repealed or which have expired or have become spent or have had their effect;
 - (ii) all repealing enactments contained in Ordinances and also all tables and lists of repealed enactments, whether contained in Schedules or otherwise;
 - (iii) all preambles to Ordinances which can, in the opinion of the Commissioner, conveniently be omitted;

- (iv) all enactments prescribing the date when any Ordinance or part thereof is to come into operation, if in the opinion of the Commissioner such enactments can conveniently be omitted;
- (v) all amending Ordinances, or parts of such Ordinances, if the amendments made by them have been embodied by the Commissioner in the Ordinance to which they relate;
- (vi) all enacting clauses;
- (b) to consolidate into one Ordinance any 2 or more Ordinances in *pari materia*, making the alterations thereby rendered necessary and assigning a date to the Ordinance as may seem to be most convenient;
- (c) to alter the order of sections or other subdivisions in any Ordinance, and in all cases where it appears to the Commissioner to be necessary so to do, to renumber any sections or other subdivisions;
- (d) to alter the form or arrangement of any section or other subdivision in any Ordinance by transferring words, by combining it in whole or in part with another section or other subdivision or by dividing it into 2 or more subsections or other subdivisions;
- (e) to transfer any enactment contained in an Ordinance from that Ordinance to any other Ordinance to which the enactment more properly belongs;
- (f) to divide any Ordinance into parts or divisions;
- (g) to add a long or short title to any Ordinance which may require it, or to alter the long or short title to any Ordinance;
- (h) to supply, alter or delete marginal notes, headings or subheadings to any section or other part of any Ordinance;
- (i) to correct grammatical, typographical, and other similar errors in any Ordinance and for the purpose to make verbal additions, omissions or alterations not affecting the meaning of the Ordinance;
- (j) to shorten or simplify the phraseology of any Ordinance;
- (k) to make such adaptations of or amendments in any Ordinance as may appear to be necessary or proper –
 - (i) as a consequence of any constitutional changes in St Helena, Ascension or Tristan da Cunha; or
 - (ii) as a consequence of changes in the constitution of Commonwealth and other countries or in the composition of the Commonwealth;
- (l) to make such formal alterations to any Ordinance as are necessary or expedient for the purpose of securing uniformity of expression;
- (m) to supply tables showing the arrangement of sections of any Ordinance;
- (n) to supply such chronological tables of enactments as appear to the Commissioner to be desirable;
- (o) to arrange related laws into topics or titles, and to assign chapter numbers to individual related laws,

and to do all things relating to form and method, whether or not similar to the foregoing, which appear to the Commissioner to be necessary for the perfecting of the revised edition.

Mode of dealing with alteration of substance

7. (1) The powers conferred upon the Commissioner by section 6 do not imply any power for the Commissioner to make any alteration or amendment in the matter or substance of any Ordinance.

(2) If the Commissioner considers that it is desirable that in the preparation of revised editions there should be amendments or additions other than those authorised under the powers conferred by section 6, the Commissioner must draft one or more Bills setting forth such proposed amendments or additions, and submit the draft to the Attorney General who will consider them for submission to the legislature.

(3) If a Bill as referred to in subsection (2) is enacted in sufficient time, the Commissioner must give effect in the revised edition to the amendments or additions so authorised.

Omission of certain laws

8. (1) The Commissioner must omit from the complete revised edition the Ordinances and subsidiary legislation specified in the Schedules to this Ordinance.

(2) At any time before a complete revised edition is approved under this Ordinance, the Attorney General may by Order add to or vary the First and Second Schedule.

(3) Any Ordinance or subsidiary legislation omitted from a complete revised edition under this section remains in force until it has been repealed or has expired, become spent or had effect, as the case may be.

Construction of references to matters affected by the revision

9. If in any law or in any document of whatever kind, any reference is made to any law amended or otherwise affected by the operation of this Ordinance, the reference is to be construed, where necessary and practicable, as a reference to the latest revised version of the law published under this Ordinance.

Bringing revised edition into force

10. (1) A revised edition prepared pursuant to this Ordinance comes into force as the authoritative version of the law on the date specified (“**the effective date**”) in a notice published by the Attorney General under subsection (3) with respect to that revised edition.

(2) When the Commissioner has prepared a revised edition in printed form or CD ROM —

(a) the Commissioner must —

(i) sign 4 copies of the book, booklet, collection of loose-leaf pages, page, CD ROM or other electronic record, as the case may be; and

(ii) deliver the signed copies to the Attorney General; and

(b) the Attorney General must, following the publication of a notice under subsection (3), deliver one of those copies to the Governor, one to the Registrar of the Supreme Court, and one to the Speaker of the Legislative Council, and retain the other in his or her Chambers.

(3) The Attorney General may, by notice published in the *Gazette*, declare that a revised edition specified in the notice comes into force on a date appointed by the notice.

(4) Subject to subsection (5), from the date specified in a notice issued under subsection (3), the revised edition is deemed to be, in all courts of justice and for all purposes whatsoever, without any question, the sole authentic edition in respect of the law contained in it and in force on the relevant revision date.

(5) This section does not affect the operation of any Ordinance or subsidiary legislation which, before the date appointed for the revised edition to come into operation, is enacted repealing, altering or amending any Ordinance or subsidiary legislation which has already been included in the revised edition.

Rectification of errors

11. If any clerical, printing or other error is found in any matter included in a revised edition, the Attorney General may by Order published in the *Gazette* rectify the error in a manner consistent with the powers of revision conferred upon the Commissioner by this Ordinance.

Distribution and sale of copies of, and access to, the revised edition

12. (1) The Attorney General must make arrangements as approved by the Governor for copies of the revised edition to be made available in printed form for purchase by members of the public.

(2) Without affecting subsection (1), the Attorney General may enter into any contractual arrangement for the sale of copies of the revised edition by any publisher or bookseller, and for the inclusion of it in a data bank or publication, as may appear expedient.

Updating of revised edition

13. (1) A revised edition that is in force pursuant to this Ordinance may be updated as provided in this section.

(2) A bound booklet, bound book, CD ROM, disc or other means of electronic storage, may be updated by its entire replacement.

(3) A revised edition in loose-leaf format may be updated by the replacement of pages or the insertion or deletion of pages.

(4) A complete revised edition or booklet contained in the form of a data bank that is accessible by remote computer may be updated by the amendment of part or the whole of that data bank and the consequent replacement of the current version of the data bank.

(5) A replacement, insertion, deletion or amendment pursuant to this section does not have effect unless made pursuant to and in accordance with a notice issued under section 10(3).

(6) A revised edition in whatever format, marked with the latest revision date, is deemed to be the authoritative revised edition to which section 10(4) applies.

Ascension and Tristan da Cunha

14. A complete revised edition may also contain notes by the Commissioner, in such places and form as he or she considers appropriate of –

- (a) the applicability of St Helena laws to Ascension and Tristan da Cunha, including any modifications that have been prescribed;
- (b) the applicability of United Kingdom laws to St Helena, Ascension or Tristan da Cunha, as the case may be, including any modifications that have been prescribed under or are authorised by the English Law (Application) Ordinance.

(2) *Omitted*

Offence

15. A person who knowingly makes any alteration to a revised edition, with the intent to deceive any person as to the true text of the law commits an offence.

Penalty: A fine of £5,000 and imprisonment for 2 years, or both.

FIRST SCHEDULE

(Section 8(1))

ORDINANCES TO BE OMITTED FROM A REVISED EDITION

1. All Ordinances authorised to be omitted from any previous edition.
2. All Appropriation Ordinances, including any Supplementary Appropriation Ordinances.

SECOND SCHEDULE

(Section 8(1))

SUBSIDIARY LEGISLATION TO BE OMITTED FROM A REVISED EDITION

1. All instruments made or issued under any of the enactments mentioned in the First Schedule.
 2. All appointments of an individual by name.
 3. All instruments made or issued under any enactment which, in the opinion of the Commissioner, are of a transient nature or may be regarded as spent.
 4. Any instrument made or issued under any enactment, in respect of which the Attorney General certifies to the Commissioner that it is likely to be revoked or replaced at an early date.
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