

REVISED EDITION OF THE LAWS ACT

Principal Act

Act. No. 1998-26	<i>Commencement</i>	9.7.1998
	<i>Assent</i>	9.7.1998

ARRANGEMENT OF SECTIONS.

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AN ACT TO AUTHORISE THE PREPARATION OF REVISED EDITIONS OF THE STATUTE LAWS OF GIBRALTAR AND TO PROVIDE FOR A CONTINUING PROCESS OF REVISION AND CONSOLIDATION OF SUCH LAWS.

Title.

1. This Act may be cited as the Revised Edition of the Laws Act 1998.

PART I

PREPARATION OF REVISED EDITIONS OF THE LAWS OF
GIBRALTAR

Preparation and issue of a revised edition.

2. The Attorney-General shall cause to be prepared and issued, as and when he deems necessary, revised editions of the laws of Gibraltar.

Matters to be included in a revised edition.

- 3.(1) Subject to sections 5 and 6, a revised edition shall contain –
 - (a) all Acts and prerogative Orders in Council in force in Gibraltar;
 - (b) such statutory Orders in Council, subsidiary legislation in force in Gibraltar and applied laws, as the Attorney-General may think fit to include;
 - (c) a chronological table of all Acts and prerogative Orders in Council enacted in or applied to Gibraltar, with explanatory notes showing how they have been dealt with;
 - (d) an index of all subsisting Acts, Orders in Council, subsidiary legislation and other applicable laws; and
 - (e) such other tables, annotations and references as the Attorney-General thinks fit to include.
- (2) Instead of reprinting any one or more statutory Orders in Council or subsidiary enactments, the Attorney-General may, if he considers it more convenient to do so, summarise their effect in such tabular or other form as he thinks fit.

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(3) Where the Attorney-General neither reprints a statutory Order in Council or subsidiary enactment nor summarizes the effect of it under subsection (2), he shall include a reference to it in the reprint.

Arrangement and form.

4.(1) A revised edition shall be arranged in the following manner:

- (a) the Acts and Orders in Council shall be arranged in one series in alphabetical order, except for such statutes as, by reason of their general importance or usefulness, the Attorney-General considers should be arranged at the beginning of the revised edition;
- (b) every subsidiary enactment shall follow immediately after the Act or Order in Council under which it was made.

(2) A revised edition shall be published in loose-leaf form.

Omission of subsisting laws.

5.(1) It shall not be necessary for the Attorney-General to include in a revised edition –

- (a) any appropriation or supplementary appropriation Act;
- (b) any Act containing only special provision in relation to the pension of any person named therein;
- (c) any Act authorizing or guaranteeing a specific loan or series of loans;
- (d) any private Act;
- (e) any Act that is of a temporary nature; or
- (f) any Act specified in the Schedule.

(2) Every Act omitted from a revised edition under the provisions of subsection (1) shall remain in force until the same shall expressly have been repealed or shall have expired or become spent or had its effect.

Omission of obsolete matter.

6. The Attorney-General may omit from a revised edition –

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- (a) any Act or part of an Act that has been repealed, expressly or by necessary implication, or has expired or has become spent or has had its effect;
- (b) any repealing enactment or table or list of repealed enactments, whether contained in a schedule or otherwise;
- (c) any preamble to or recital in an Act;
- (d) any enactment prescribing the date when or the manner in which any law or part of any Act is to come into operation;
- (e) any amending Act or part of an amending Act where the amendments thereby effected have been embodied by the Attorney-General in the Acts to which they relate; or
- (f) any transitional or saving provision.

Other powers.

7.(1) The Attorney-General may –

- (a) consolidate into one Act any two or more Acts in pari materia, making such alterations as are thereby rendered necessary or expedient and affixing such dates thereto as may seem most convenient;
- (b) divide any Act into two or more Acts and make such amendments, including the supplying of titles or the alteration of existing titles, as are thereby rendered necessary;
- (c) transfer any provision contained in any Act from that Act to any other Act to which, in his opinion, it more properly belongs;
- (d) alter the order of sections, subsections or paragraphs in or schedules to any Act, or set out any section, subsection or paragraph as a schedule to the Act or transfer it to an existing schedule or set out any schedule or part of a schedule as a section, subsection or paragraph of the Act;
- (e) alter the form or arrangement of any section, subsection or paragraph in or schedule to any Act either by combining it in whole or in part with any other section, subsection, paragraph or schedule or by dividing it into two or more subsections or paragraphs or by transposing words;

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- (f) divide any Act into parts or other divisions and give to each such part or division a suitable heading;
- (g) add a short title or citation to any Act that may require it, or alter the short title or citation to any Act;
- (h) frame and insert in any Act definitions of words and phrases used in the Act, or substitute for definitions of words and phrases used in any Act such other definitions as appear to the Attorney-General to be more appropriate;
- (i) make such adaptations of or amendments to any Act as may be required by virtue of any statutory provision having taken effect or as is or may be necessary or proper as a consequence of constitutional or other changes in Gibraltar or in any other country or in or to any international body or organization;
- (j) make such formal alterations as to names, localities, offices, titles and ranks and otherwise as may be necessary to bring any Act into conformity with the circumstances;
- (k) simplify the phraseology of any Act and make such formal alterations to any law as are necessary or expedient for securing uniformity of expression;
- (l) correct grammatical and typographical errors in any existing Act, and for that purpose make verbal additions or alterations not affecting the meaning of the Act;
- (m) correct the punctuation in any Act;
- (n) correct cross-references;
- (o) supply, alter or omit marginal notes;
- (p) number or renumber the sections, subsections or paragraphs in any Act where in his opinion it is necessary or expedient to do so; and
- (q) generally, do all things relating to form and method which, in his opinion, are necessary for the perfecting of a revised edition.

(2) In reprinting any Order in Council, the Attorney-General may –

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- (a) omit any heading, preamble or recital;
- (b) incorporate amendments expressly made by any other Order in Council; and
- (c) omit directions for the implementation of the Order.

(3) The provisions of section 33 of the Interpretation and General Clauses Act shall apply to all omissions made by virtue of this section and section 6 as if the laws or parts of the law omitted had been repealed.

(4) The provisions of subsection (1) shall apply mutatis mutandis to subsidiary legislation.

Limitation of powers.

8. The powers conferred on the Attorney-General by this Act shall not be taken to confer on him or to imply in him any power to make any alteration or amendment in the matter or substance of any law or any part of a law.

Authentication.

9.(1) The Attorney-General shall cause five complete sets of a revised edition to be bound together in volumes in a permanent manner.

(2) The title page of each volume so bound shall be sealed with the Public Seal of Gibraltar and one copy of each volume shall be transmitted to the Governor, the Chief Minister, the Chief Justice, the Speaker of the House of Assembly and the Attorney-General, and shall be retained by them for record purposes.

Bringing a revised edition into operation.

10. The Attorney-General shall by notice published in the Gazette appoint a day on which a revised edition shall come into operation.

Effect.

11. From the date when a revised edition comes into operation, it shall, subject to the provisions of sections 3, 5 and 8, be and be taken by all courts and for all purposes to be the authentic version of the statute laws of Gibraltar.

Construction of references.

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12. When in any law or instrument or in any document of any kind 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.

PART II

REVISION

Supplements.

13. The Attorney-General shall as soon as practicable after the beginning of every year cause to be prepared and published an annual supplement to the revised edition which shall contain –

- (a) all principal Acts enacted during that year except such as fall within the terms of paragraphs (a) to (e) inclusive of section 5(1);
- (b) such Orders in Council and subsidiary legislation or summaries thereof or references thereto as the Attorney-General may think fit to include;
- (c) such replacement and additional pages as are necessary for the incorporation in a revised edition of all amendments to Acts, Orders in Council and subsidiary legislation included in a revised edition;
- (d) such replacement and additional pages as may be necessary to correct or supplement –
 - (i) the chronological table of Acts and prerogative Orders in Council;
 - (ii) the index;
 - (iii) the title pages to the Acts and Orders in Council; and
- (e) instructions for the insertion in the revised edition of all such replacement and additional pages, and for the removal from a revised edition of all pages that relate to enactments that have been repealed or revoked or have become spent or have had their effect, and all pages for which replacements are issued.

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Provided that more or one supplement may be prepared under this section in respect of any one year, or a supplement may be prepared in respect of more than one year, where the Attorney-General considers it expedient.

Powers.

14. For the preparation of supplements, the Attorney-General shall have all the powers conferred on him under Part I of this Act.

Bringing a supplement into operation.

15.(1) The Attorney-General shall immediately before issuing a supplement, by order published in the Gazette, appoint a day when the supplement shall become part of the revised edition.

(2) Every page on a supplement shall bear a reference to such order.

(3) Every order made under subsection (1) and the supplement to which it relates shall be laid on the table of the House of Assembly at the first meeting of the Assembly held after the date on which the order is published, and if a resolution is passed at the next sitting of the Assembly held after the sitting at which the order is so laid that the order be annulled, it shall thenceforth be void, without prejudice to the validity of anything previously done thereunder, or to the making of a new order.

PART III

SUPPLEMENTARY

Continuity of the law.

16.(1) The substitution of this Act for the repealed enactment does not affect the continuity of the law.

(2) Anything whatsoever done under or by virtue of the enactment repealed by this Act shall be deemed to have been made, or done, as the case may be, under or by virtue of the corresponding provision of this Act; and anything began under such enactment shall be continued under this Act as if began under this Act.

(3) Any reference, whether express or implied, in any enactment, instrument or document or provision of the repealed enactment shall be construed, so far as is required for continuing its effect, as including a reference to the corresponding provision of this Act.

(4) The “repealed enactment” means the Act repealed by this Act.

Repeal.

17. The Revised Edition of the Laws Act 1981 is hereby repealed.

SCHEDULE.

Section 5(1)(f)

1. Indemnity and Compensation Act, section 5.
2. Repatriation and Resettlement Act.
3. Temporary and Emergency Laws (Continuation) Act.
4. Development Loans (United Kingdom Government) Act.
5. Registration of Births (Validation) Act 1976.
6. Loans Empowering (1980-1983) Act, 1980.
7. Development Loans (United Kingdom Government) Act.
8. Decimal Currency Act 1971.