

# BILL NO. 8 OF 2016

## A BILL

FOR AN ACT TO AMEND THE REVISED EDITION OF THE LAWS ACT (CAP. 6)

ENACTED by the Parliament of the Republic of Fiji—

*Short title and commencement*

**1.**—(1) This Act may be cited as the Revised Edition of the Laws (Amendment) Act 2016.

(2) This Act comes into force on the date of its publication in the Gazette.

(3) In this Act, the Revised Edition of the Laws Act (Cap. 6) is referred to as the “Principal Act”.

*Section 7 amended*

**2.** Section 7 of the Principal Act is amended by—

(a) deleting “booklets” and substituting “binders”; and

(b) deleting paragraphs (a) to (c) and substituting the following—

“(a) on the title card, the expression “Laws of Fiji” with the Coat of Arms;

(b) a guide card for each principal law and a guide card for the subsidiary laws made pursuant to the principal law;

- (c) where necessary, historical notes;
- (d) pagination to cater for the insertion or removal of pages from a binder following the enactment of a written law, including an amendment, revocation or repeal of a written law; and
- (e) any other matter that the commissioner deems appropriate.”

*Section 8 amended***3.** Section 8 of the Principal Act is amended by—

- (a) deleting the heading and substituting “*Binders*”;
- (b) in subsection (1), deleting “booklets which have been compiled” and substituting “binders”; and
- (c) in subsection (2),—
  - (i) deleting “booklet shall be bound” and substituting “binder must be”; and
  - (ii) deleting “removed from and replaced in a volume” and substituting “updated with the insertion or removal of pages as soon as reasonably practicable following the enactment of a written law, including an amendment, revocation or repeal of a written law”.

*Section 9 amended***4.** The Principal Act is amended by deleting section 9 and substituting the following—*“Copies of the revised edition to be kept for record*

9.—(1) The commissioner must sign the title cards of two complete sets of the revised edition.

(2) One set of the revised edition must be transmitted to the Attorney-General and the other set of the revised edition must be transmitted to the Chief Registrar of the High Court for record purposes.”

*Section 11 amended***5.** Section 11(3) of the Principal Act is amended by deleting “booklets” and substituting “binders”.*Section 12 amended***6.** The Principal Act is amended by deleting section 12 and substituting the following—*“Revision of revised edition*

12.—(1) The Attorney-General must, as soon as reasonably practicable following the enactment of a written law, including an amendment, revocation or repeal of a written law—

- (a) cause to be prepared and included in the revised edition the enacted written law, other than any written law the sole or substantial effect of which was to amend, revoke or repeal another written law;

- (b) cause to be prepared and included in the revised edition the effects of a written law the sole or substantial effect of which was to amend, revoke or repeal another written law; and
- (c) if the Attorney-General considers it necessary, cause to be prepared and included a new index to the revised edition with the old index omitted.

(2) The Attorney-General must include, with any material published pursuant to this section, suitable instructions for the insertion of such material in the revised edition and for the removal of redundant pages.

(3) Subject to the other provisions of this Act, the material comprising a revision of the revised edition prepared pursuant to this section must, when inserted in the revised edition in conformity with the instructions issued by the Attorney-General under subsection (2), be deemed to be included in and to form part of the revised edition and as such and in place of any material removed in conformity with those instructions, must without any question whatsoever in all courts of justice and for all purposes whatsoever be the sole and only proper law of Fiji in respect of the written law contained therein.

(4) For the purposes of this section, the Attorney-General has and performs *mutatis mutandis* the powers and duties conferred or imposed by this Act on the commissioner.

(5) Notwithstanding subsections (1) to (4), the Attorney-General must, following the approval of Cabinet, cause to be prepared and published a new revised edition in accordance with the provisions of this Act.”

*Section 13 deleted*

7. Section 13 of the Principal Act is deleted.

*Section 16 deleted*

8. Section 16 of the Principal Act is deleted.

## **REVISED EDITION OF THE LAWS (AMENDMENT) BILL 2016**

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### **EXPLANATORY NOTE**

*(This note is not part of the Bill and is only intended to indicate its general effect)*

#### **1.0 BACKGROUND**

- 1.1 Law revision is the process where written laws are revised and consolidated. This means that all the written laws, including their subsequent amendments are revised and consolidated, and published into volumes of laws.
- 1.2 In the history of Fiji, the Laws of Fiji were only ever revised and consolidated in 1978 and 1985. With the last consolidation taking place in 1985, the Laws of Fiji have not been consolidated for a period of 30 years. This has resulted in time-consuming legal research, incorrect referencing of laws and incorrect legal analysis.
- 1.3 It is therefore imperative that the Laws of Fiji be revised and consolidated to allow all persons, not just judges, magistrates and lawyers, to have greater access to laws and to justice. The 2016 National Budget has also allocated a certain amount for the revision and consolidation of the Laws of Fiji.
- 1.4 However, in order to effectively carry out the process of law revision according to modern-day standards, the Revised Edition of the Laws Act (Cap. 6) (**'Act'**) which was enacted in 1971 must be amended.

#### **2.0 CLAUSES**

- 2.1 The Revised Edition of the Laws (Amendment) Bill 2016 (**'Bill'**) seeks to amend the Act.
- 2.2 Clause 1 of the Bill provides for the short title and states that the new Act will come into force on the date of its publication in the Gazette.

- 2.3 Clause 2 of the Bill amends section 7 of the Act so that reference to “booklets” is changed to “binders”. Clause 2 also ensures that each of the binders contain:
- (a) on the title card, the expression “Laws of Fiji” with the Coat of Arms;
  - (b) a guide card for each principal law and a guide card for the subsidiary laws made pursuant to the principal law;
  - (c) where necessary, historical notes;
  - (d) pagination to cater for the insertion or removal of pages from a binder following the enactment of a written law, including an amendment, revocation or repeal of a written law; and
  - (e) any other matter that the commissioner deems appropriate.
- 2.4 Clause 3 of the Bill amends section 8 of the Act so that the binders are easily updated with pages as soon as reasonably practicable following the enactment of a written law.
- 2.5 Clause 4 of the Bill amends section 9 of the Act so that the commissioner signs the title cards of two complete sets of the revised edition, where one set of the revised edition is transmitted to the Attorney-General and the other set is transmitted to the Chief Registrar of the High Court for record purposes.
- 2.6 Clause 5 of the Bill amends section 11 of the Act so that reference to “booklets” is changed to “binders”.
- 2.7 Clause 6 of the Bill amends section 12 of the Act to adjust the provisions of revising the revised edition.
- 2.8 Clauses 7 and 8 of the Bill delete sections 13 and 16 of the Act respectively, to reflect the amendments made to section 12 of the Act.

### **3.0 MINISTERIAL RESPONSIBILITY**

- 3.1 The Act comes under the responsibility of the Attorney-General.

A. SAYED-KHAIYUM  
Attorney-General