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 INTERIM MILITARY GOVERNMENT OF FIJI

1. The Interim Military Government shall have power to make laws for the peace, order and good Government of Fiji or any part thereof with respect to any matter whatsoever.

2.—(1) The power of the Interim Military Government to make laws shall be exercised by means of Regulations signed by the Head of the Interim Military Government.

(2) A Regulation may be made known to the public by means of a sound or television broadcast, or by publication in writing or in any other manner.

3. Insofar as a Regulation published on any date in the *Fiji Government Gazette* makes provision with respect to the same matter as a Regulation which—

(a) was made known to the public on or before that date; but

(b) has not been published in the *Fiji Government Gazette*, the Regulation published in the *Fiji Government Gazette* shall prevail.

4. (1) A Regulation is made when it is signed by the Head of the Interim Military Government, whether or not it then comes into force.

(2) Whereas other provision is made as to the time when a particular provision contained in a Regulation or subsidiary instrument is to come into force, it shall subject to subsection (3), below, come into force on the day when the Regulation or subsidiary instrument as the case may be is made.

(3) Where a provision contained in a Regulation or subsidiary instrument is expressed to come into force on a particular day, it shall be construed as coming into force immediately on the expiration of the previous day.

(4) In this section “subsidiary instrument” means any order, rules, regulation, rules of court or by-laws made in the exercise of powers conferred by Regulation.

5.—(1) No question as to the validity of this Regulation or any other Regulation shall be entertained by any Court of Law in Fiji.

(2) The Executive Authority of the Republic of Fiji shall be vested in the Head of the Interim Military Government and may be exercised by him either directly or through persons or authorities subordinate to him.

Provided that nothing in this subsection shall prevent any authority having power to make laws from conferring functions on persons or authorities other than the Head of the Interim Military Government.

(3) The Executive Authority of the Republic of Fiji shall extend to the execution and maintenance of the Constitution of the Republic of Fiji, as enacted, modified and supplemented by this Regulation or any other Regulation, and to all other matters whatsoever throughout Fiji.

6.—(1) There shall be for Fiji a Military Council.

(2) The Military Council shall consist of:

(a) The Head of the Interim Military Government who shall be President of the Executive Council.

(b) Such other persons who are appointed by the Commander and Head of the Interim Military Government of Fiji to serve on the Council.

(3) The Attorney-General of the Republic of Fiji or any other person for the time being acting in such capacity shall attend the meetings of the Military Council.

(4) The Military Council established by this section may regulate its own procedure and, subject to its rules of procedure may act notwithstanding any vacancy in membership or the absence of any member.

(5) The Head of the Interim Military Government may subject to such conditions (if any) as he thinks fit, delegate any functions conferred on him by law (including the Constitution of the Republic of Fiji) to the Military Council or to any other authority in Fiji.

Provided that this subsection shall not apply to the functions of signing Regulations.

(6) The Military Council may, subject to such conditions (if any) as it may think fit, delegate any function conferred on it by any law (including the Constitution of the Republic of Fiji) to an officer in the public service of the Republic.

(7) Any function of the Head of the Interim Military Government or of the President of the Military Council may be exercised by the Head of the Interim Military Government or the President notwithstanding any delegation of that function for the time being in force under the foregoing provisions of this section.

(8) References in this section to functions conferred by law do not include reference to executive functions conferred by section 6 of this Regulation.

7.—(1) Where a power to make an instrument is conferred on the Head of the Interim Military Government or the Military Council by any law, then, without prejudice to the exercise of the power by the Head of the Interim Military Government in person or by the Military Council itself, as the case may be, any instrument made in exercise of that power may be executed under the hand of the Secretary to the Interim Military Government.

(2) Where a power to make an instrument is conferred on the Military Council by any law, then, without prejudice to the exercise of the power by the Council itself, any instrument made in exercise of that power may be executed under the hand of the Chief Executive Officer to the Department of the Government of the Republic of Fiji responsible for the matter to which the instrument relates, or under the hand of the Secretary to the Military Council.

8.—(1) Subject to this Regulation and any other Regulation all existing laws, that is to say, all laws which, whether being a rule of law or a provision of an Act of Parliament or if any other enactment or instrument whatsoever, was in force immediately before the 5<sup>th</sup> day of December, 2006 or having been passed or made before that date comes or came into force on or after that date, shall, until that law is altered by an authority having power to do so, have effect with such modifications (whether by way of addition, alteration or commission) as may be necessary to bring that into conformity with the Constitution of the Republic of Fiji as effected by this or any other Regulation, and with the provisions of any Regulation relating to the performance of any functions which are conferred by law on any person or authority.

(2) Any function which is conferred by any existing law within the meaning of subsection (1) above on the Prime Minister or any other Minister of the Government of Fiji or the House of Representatives or the Senate shall, until other provision in respect of that function is made by an authority having power to do so vest in the Military Council.

9.—(1) Subject to this and any other Regulation, any Court of Law, authority or office which was established, any appointment which was made, and any other thing whatsoever which was done before the 5<sup>th</sup> day of December, 2006 in pursuance of any provision of the Constitution of the Fiji being a provision that:

- (a) is not suspended by this or any other Regulation; but
- (b) is modified by this Regulation, or which was deemed by virtue of any such provision to be so established, made or done before that date, shall be deemed to have been duly established, made or done in pursuance of that provision as modified by this Regulation.

10. Without prejudice to the generality of section 9 of this Regulation, the Interpretation Act Cap. 7 shall apply in relation to a Regulation as it applies in respect of an Act of Parliament; and accordingly any reference in that Act to an enactment shall include a reference to any provision of a Regulation.

11. In this Regulation and in any other law—

“Regulation” means an instrument made by the Fiji Interim Military Government and expressed to be made as a Regulation;

“The Head of the Interim Military Government” means the Acting President of the Republic of the Fiji Islands, Commander of the Republic of Fiji Military Forces.

12.—(1) This Regulation may be cited as the Interim Military Government of Fiji Regulation No. 3 of 2006 and shall apply throughout Fiji.

(2) This Regulation shall be deemed to have come into force on the 5<sup>th</sup> day of December, 2006.

(3) Where a power to delegate a function is confirmed by this Regulation, that power includes—

- (a) power to delegate the function to a limited extent only; and

(b) power to delegate the function to different purposes, or in respect of different matters or different parts of Fiji.

(4) In this Regulation "Functions" includes powers and duties.

(5) For the avoidance of doubt it is hereby declared that any power to make laws conferred by this Regulation includes power to make laws having extraterritorial operation.

Dated this 5th day of December 2006.

J. V. BAINIMARAMA

Commodore

*Acting* President of the Republic of Fiji Islands  
and Commander, Republic of Fiji Military Forces

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