#### LAWS OF THE GILBERT ISLANDS REVISED EDITION 1977

#### **CHAPTER 92**

#### REVISED EDITION OF THE LAWS

#### ARRANGEMENT OF SECTIONS

#### Section

- 1. Short title
- 2. Interpretation
- 3. Appointment of commissioner
- 4. Power of commissioner to omit
- 5. Other powers of commissioner
- Mode of dealing with omissions or amendments not authorised by sections 4 and 5
- 7. Contents of the revised edition
- 8. Method of compiling the revised edition
- 9. Binding of booklets
- 10. Copies of revised edition to be kept for record
- 11. Bringing of revised edition into operation
- 12. Complementary matter in revised edition
- 13. Annual revision of revised edition
- 14. Additional power to revise
- 15. Powers and duties of Attorney-General
- 16. Publication of lists of titles and current laws
- 17. Distribution of revised edition
- 18. Rectification of errors
- 19. Construction of references to repealed or amended Ordinances
- 20. Expenses of preparation and publication

#### SCHEDULE

An Ordinance to make provision for the preparation, publication 21 of 1976 and periodical revision of a revised edition of the laws of the Cibert Islands

Commencement: 29th December 1976

1. This Ordinance may be cited as the Revised Edition of the Short title Laws Ordinance.

#### Interpretation

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- 2. In this Ordinance, unless the context otherwise requires—"commissioner" means the person appointed under section 3;
- "effective date" means the date specified by the Governor under subsection (1) of section 11 for the coming into operation of the revised edition;
- "Ordinance" includes King's Regulation;
- "revised edition" means the revised edition of the laws prepared under the authority of section 3.

#### Appointment of commissioner

3. The Governor may, by notice in the Gazette, appoint a commissioner who shall prepare a revised edition of the laws.

## Power of commissioner to omit

- 4. In the preparation of the revised edition, the commissioner may omit—
  - (a) the Ordinances or parts of Ordinances specified in the Schedule;
  - (b) all Ordinances, or parts of Ordinances, which have been expressly repealed or which have expired or have become spent or have had their effect;
  - (c) all repealing provisions contained in Ordinances and all tables and lists of repealed Ordinances, whether contained in Schedules or otherwise:
  - (d) all preambles to Ordinances, where such omission can, in the opinion of the commissioner, conveniently be made;
  - (e) all provisions prescribing the date when an Ordinance or part of an Ordinance is to come into operation, where such omission can, in the opinion of the commissioner, conveniently be made;
  - (f) all amending Ordinances or parts thereof, where the amendments effected thereby have been embodied by the commissioner in the Ordinance to which they relate;
  - (g) all enacting clauses;
  - (h) all written descriptions of waters, lands, places, areas or premises contained in Ordinances which in the opinion of the commissioner are sufficiently described by reference to deposited plans; and
  - (i) transitional and other transient provisions.

#### Other powers of commissioner

- 5. The commissioner shall, in addition to the powers conferred by section 4, have power—
  - (a) to transfer to subsidiary legislation any part of an Ordinance which can more conveniently be included as sub-

- sidiary legislation made under that Ordinance or under any other Ordinance;
- (b) to arrange the grouping and sequence of Ordinances;
- (c) to make such final alterations to any Ordinance as are necessary or expedient for the purpose of securing uniformity of expression;
- (d) to consolidate into 1 Ordinance any 2 or more Ordinances or any number of Ordinances in pari materia, making such alterations as are thereby rendered necessary or expedient and affixing such date thereto as may seem most convenient;
- (e) to divide any Ordinance into 2 or more Ordinances and to make such amendments, including the supplying of titles, or the alteration of existing titles, as are thereby rendered necessary;
- (f) to incorporate in any Ordinance any amendment made to any schedule, form or other part by any authority under powers conferred by that Ordinance;
- (g) to alter the order of sections in any Ordinance;
- (h) to renumber the sections in any Ordinance in all cases where it may be necessary or expedient so to do;
- (i) to alter the form or arrangement of any section, by transferring words, by combining it in whole or in part with another section or other sections or by dividing it into 2 or more subsections;
- (j) to transfer any provision contained in an Ordinance from such Ordinance to any other Ordinance to which that provision more properly belongs, making such alterations as are thereby rendered necessary or expedient;
- (k) to divide Ordinances, whether consolidated or not, into parts or divisions;
- (1) to add a long title or a short title to any Ordinance which may require it or to alter the long title or short title of any Ordinance;
- (m) to supply or alter tables of contents, chronological tables and notes:

Provided that such tables of contents, chronological tables and notes shall not form any part of the Ordinance in which they appear;

(n) to correct grammatical, typographical and similar errors in the existing copies of Ordinances, and for that purpose to make verbal additions, omissions, or alterations not affecting the meaning of any Ordinance;

- (o) to correct cross references;
- (p) to correct references to repealed Ordinances by replacing such references by references to the substituted Ordinances, for which purpose it is declared that an Ordinance is deemed to be substituted for another Ordinance where it is expressly stated in the subsequent Ordinance that it is so substituted, or where the subsequent Ordinance reenacts with or without modification any provisions of a repealed Ordinance;
- (q) to make such formal alterations as to names, localities, departments, offices and officers and otherwise as may be necessary to bring any Ordinances into conformity with the circumstances of the Gilbert Islands;
- (r) to make such adaptations of or amendments to any Ordinances as may appear to be necessary or proper as a consequence of any change in the constitution of Her Majesty's or other territories;
- (s) to remove racial distinctions in any Ordinance where in the opinion of the commissioner those distinctions no longer have relevance or significance; and
- (t) to do all things relating to form and method which appear to him to be necessary for the perfecting of the revised edition.

Mode of dealing with omissions or amendments not authorised by sections 4 and 5

- 6. (1) If the Governor or the commissioner considers it is desirable that in the preparation of the revised edition there should be omissions other than those authorised by sections 4 and 5, the Governor may, by order, provide that the same shall be omitted.
- (2) If such Ordinance or Ordinances are enacted prior to the effective date, then—
  - (a) the commissioner shall, in the preparation of the revised edition, give the like effect to such omissions or amendments as if they had been authorised by section 4 or 5; and
  - (b) if as a result of any such omission or amendment any Ordinance or part thereof has been repealed or has expired or become spent or had its effect, such Ordinance or part shall be omitted from the revised edition.

Contents of the revised edition 7. (1) Subject to the provisions of section 4 and subsection (2) of section 6, the revised edition shall include all unrepealed Ordinances enacted before the 1st day of January 1977 and may contain such Ordinances enacted after such date as the commissioner may think fit to include therein.

- (2) Each Ordinance shall form a separate Chapter.
- (3) The Chapter number or the number and year, whichever the commissioner considers appropriate, of the principal Ordinance and of each incorporated Ordinance and the number and year of each amending Ordinance shall be set out in the margin at the beginning of each Chapter.
- (4) The commencement of each principal Ordinance shall be set out immediately below the long title.
- 8. The commissioner shall cause the revised edition of every Method of compiling to Ordinance to be published in the form of 1 or more separate revised edibooklets each of which shall contain—

- (a) on the front page thereof the expressions—
  - (i) "Laws of the Gilbert Islands"; and
  - (ii) "Revised Edition 1977"; and
- (b) at the top of every subsequent page of each such booklet the expression "1977 Ed.".
- 9. (1) The commissioner shall cause the various booklets Binding of hooklets which have been compiled for the purposes of section 8 to be contained together in such number of volumes as he considers convenient.

- (2) A booklet shall be bound in such manner as will enable it to be easily removed from and replaced in a volume.
- 10. (1) The commissioner shall cause 3 complete sets of the Copies of booklets which have been compiled for the purposes of section 8 revised edition to be to be bound together in volumes in a permanent manner.

- (2) The title page of each volume of booklets so bound shall be sealed with the public seal of the Gilbert Islands and 1 copy of each volume shall be transmitted to the Secretary of State, 1 copy of each volume to the Attorney-General and 1 copy of each volume to the Registrar of the High Court, and shall be retained by them for record purposes.
- 11. (1) The Governor may by notice approve the revised edi-Bringing of tion and order that the revised edition shall come into operation tion into on such date as he may specify in such notice.

(2) From the effective date the revised edition shall be deemed to be and shall be without any question whatsoever in all courts of justice and for all purposes whatsoever the sole and only proper laws of the Gilbert Islands in respect of all Ordinances contained therein.

Complementary matter in revised edition

- 12. (1) The revised edition may also contain a reprint of such imperial enactments, treaties and conventions and such indices, notes and references as the commissioner considers useful to include.
- (2) When any imperial enactment, treaty or convention is reprinted in pursuance of subsection (1), the provisions of the imperial enactment, treaty or convention may be reproduced with such amendments as may have been made thereto, and where any imperial enactment, treaty or convention has been applied or extended to the Gilbert Islands with modifications the provisions of that imperial enactment, treaty or convention may be reproduced with those modifications:

Provided that every departure from the original text of the imperial enactment, treaty or convention shall be clearly shown by notes, references or other similar means.

(3) The commissioner may also cause the reprint referred to in subsection (1) to be published in such number of separate booklets, in the manner prescribed by section 8, or in such other form as he considers convenient.

Annual revision of revised edition

- 13. (1) As soon as practicable after the 1st day of January in every year the Attorney-General shall, subject to subsection (2), cause to be published—
  - in the form of a separate booklet, a new revised edition of any Ordinance which has been amended during the period of 12 months ending on the preceding 31st December;
  - (b) in the form of a separate booklet, any new Ordinance enacted during the said period, other than Ordinances the sole or substantial effect of which was to amend other Ordinances;
  - (c) in the form of a booklet, either separately or together with any other such enactment or instrument, a new revised edition of any imperial enactment, treaty or convention included in the revised edition which has been amended during the said period;
  - (d) booklets containing such imperial enactments, treaties or conventions enacted, made, agreed or applied during the said period as he considers may usefully be published; and
  - (e) a new table of contents and index to the revised edition, a chronological list of Ordinances, a list of appointments and a list of the latest edition of each booklet containing an Ordinance and included in the revised edition.

- (2) The Attorney-General shall not be required by subsection (1) to prepare and publish a booklet containing a new revised edition of any Ordinance, imperial enactment, treaty or convention which has been amended if he considers that the amendments are not sufficiently extensive to justify the preparation and publication thereof, but he shall cause a separate booklet of minor amendments to be prepared and published in which all such amendments shall be contained.
- (3) Without prejudice to subsection (1), the Attorney-General may, as soon as practicable after the 1st day of January in every year, cause to be published, in the form of a separate booklet—
  - (a) a new revised edition of any Ordinance which has not been amended during the period of 12 months ending on the preceding 31st day of December;
  - (b) a new revised edition of the subsidiary legislation made under or by virtue of any Ordinance, whether or not any part of that subsidiary legislation has been amended during the period of 12 months ending on the preceding 31st day of December.
- (4) Where the Attorney-General is of the opinion that it is desirable that corrections, alterations or adaptations shall be made to any Ordinance but that such corrections, alterations or adaptations are not sufficiently extensive to justify the preparation and publication of a new revised edition of such Ordinance, he may, in relation to such Ordinance, exercise any of the powers contained in paragraphs (n), (o), (p), (q), (r) and (s) of section 5 and include any corrections, alterations or adaptations occasioned thereby in the booklet of minor amendments prepared and published under subsection (2).
- 14. (1) Without prejudice to the powers conferred by section Additional 13, the Attorney-General may also—

power to

- (a) consolidate into 1 Ordinance any 2 or more Ordinances in pari materia;
- (b) divide any Ordinance into 2 or more Ordinances; or
- (c) transfer to subsidiary legislation any part of an Ordinance which can more conveniently be included as subsidiary legislation under that Ordinance or under any other Ordinance.
- (2) Where the Attorney-General has exercised the powers conferred by subsection (1), he shall, as soon as practicable after the 1st day of January in the year following such exercise, cause to be published in the form of a separate booklet—

- (a) any Ordinance into which 2 or more Ordinances have been consolidated;
- (b) each Ordinance into which any Ordinance has been divided; and
- (c) the subsidiary legislation into which any part of an Ordinance has been transferred.

Powers and duties of Attorney-General

- 15. (1) In the annual revision, the Attorney-General may exercise and perform, *mutatis mutandis*, the powers and duties conferred or imposed by this Ordinance upon the commissioner which shall include the power to add to or omit the Ordinance or parts of Ordinances specified in the Schedule.
- (2) In any booklet published pursuant to section 13 or 14, the law shall be as it was on the preceding 31st day of December and shall contain at the beginning thereof the year of the 31st day of December.
- (3) Where a new revised edition of the subsidiary legislation made under or by virtue of an Ordinance is published in a separate booklet under paragraph (b) of subsection (3) of section 13 or under paragraph (c) of subsection (2) of section 14, such booklet shall—
  - (a) be part of the Chapter of the Ordinance under or by virtue of which that subsidiary legislation is made; and
  - (b) in addition to the other expressions required to be contained therein, contain on the front page thereof—
    - (i) the title and Chapter number of the Ordinance under or by virtue of which that subsidiary legislation is made; and
    - (ii) the expression "Subsidiary Legislation".
- (4) The Attorney-General shall transmit to the Governor a copy of every booklet published under section 13 or 14 and with effect from such date as the Governor may specify by notice any such booklet shall be without any question whatsoever in all courts of justice and for all purposes whatsoever the sole and only proper law of the Gilbert Islands in respect of that Ordinance, or in the case of a booklet containing subsidiary legislation only, that subsidiary legislation.

Publication of lists of titles of current laws 16. The Attorney-General shall, as soon as practicable after any date specified in any notice published under subsection (4) of section 15, cause to be published in the *Gazette* a list of the titles of all Ordinances in force and the year of the last published edition thereof.

17. (1) Copies of the revised edition compiled in the manner Distribution provided by section 8 and of any booklet published under section tion 13 or 14 shall be distributed without charge to such persons, officers, departments and institutions as the Governor may direct.

- (2) There shall be offered to the public such number of copies so compiled and booklets so prepared at such price as the Governor may direct.
- (3) Any person may, on payment of such fee as the Governor may direct, become entitled to receive a copy of each booklet published under section 13 or 14 and issued in any one year.
- (4) The Government Printer shall, on the application of a subscriber, supply him with all the booklets to which he is entitled.
- 18. (1) The Attorney-General may, by order published in the Rectification Gazette, rectify any clerical or printing error appearing in the revised edition or in any booklet published under section 13 or 14, or rectify in a manner not inconsistent with the powers of revision conferred by this Ordinance any other error so appear-

- (2) Every order made under this section shall be laid on the table of the House of Assembly without unreasonable delay, and if a resolution is passed at the next sitting of the House of Assembly held after the sitting at which the order is so laid that the order be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder, or to the making of a new order.
- 19. Whenever in any Ordinance, or in any document of what-Construction of references ever kind, any reference is made to any provision of any Ordi- to repealed or nance affected by or under the operation of this Ordinance, the Ordinances reference shall, where necessary and practicable, be construed as a reference to the corresponding provision in the revised edition or in any booklet published under section 13 or 14.

20. The Attorney-General may, by departmental warrant Expenses of addressed to the Chief Accountant, authorise the payment of all and publicaexpenses of and incidental to the preparation, publication, dis-tion tribution and sale of the revised edition and of booklets published under section 13 or 14 and all such expenses shall be charged upon the Consolidated Fund.

### **SCHEDULE**

(Section 4 (a))

#### PART I

#### GENERAL

- 1. Appropriation Ordinances
- 2. Indemnification Ordinances
- 3. Validation Ordinances
- 4. Ordinances concerned with the pensions or pensionable rights of certain persons
- 5. Ordinances amending the Ordinances in this Schedule

#### PART II

## SPECIFIED ORDINANCES

(Chapter numbers refer to the Revised Editions of the Laws of 1952 and 1973.)

	(Chapter numbers 2011)
1 of 1902	1. Ocean Island, Application of Regulations to
2 of 1908	2. Washington and Fanning Islands, Proprietorship of
6 of 1939	3. Trading with the Enemy Ordinance 1939
Cap. 74 of	4 Wireless Telegraphy Ordinance
1952 Cap. 8 of	5. Proviso to section 8 of the Consular (Conventions) Ordinance
1952 Cap. 10 of	6. Pensions Ordinance
1952 11 of 1963	7. First Schedule—Part I, Imports (1) Classification and Tariff of the Customs Ordinance 1963
7 of 1969	8. Land Registration (Tarawa and Tabiteuea) Ordinance 1969
11 of 1972	<ol> <li>Land Registration (1999)</li> <li>Government Savings Bank (Transfer of Dormant Accounts and Repeal)         Ordinance 1972     </li> </ol>
Cap. 15 of	10. Cinematograph Ordinance
1952 Cap. 19 of	11. Section 93 of the Local Government Ordinance
1973 Cap. 20 of	12. Native Status Ordinance
1973 Cap. 25 of	13. Mining Ordinance
1973 Cap. 35 of	14. Vaccination Ordinance
1973 Cap. 46 of	15. Dogs Ordinance
1973 Cap. 51 of	16. Exchange Control Ordinance
1973 Cap. 56 of	17. Licences Ordinance
1973 Cap. 65 of 1973	18. Gilbert and Ellice Islands Development Authority Ordinance

#### PART III

## SPECIFIED SUBSIDIARY LEGISLATION

1. Subsidiary legislation of a transient nature

2.	Subsidiary legislation in force under the Ordinances mentioned in Part I with the exception of the Consular (Conventions) Ordinance	
3.	Order under section 2 of the Diplomatic Privileges Ordinance	Cap. 28
	All subsidiary legislation under the Education Ordinance	Cap. 29
5.	All subsidiary legislation under, deemed to be under, or continued in force by the Income Tax Ordinance, save for regulations made under section 64	
6.	All subsidiary legislation under the Interpretation and General Clauses Ordinance	Cap. 46
7.	Warrants and bye-laws under sections 3 and 50 respectively of the Local Government Ordinance	Cap. 51

NOTE. "Ordinance" includes subsidiary legislation. Appointments by name are transient and so may be omitted.

#### Section 9 (1977, S.9)

Omit from subsection (1) the proviso to paragraph (b). Add at the end of subsection (1) –

"and

"(c) shall pay compensation in respect of any right of user referred to in paragraph
(a), as required by section 8 of the Constitution.".

#### Section 23 (1977, S.23)

Omit from subsection (1) "The Minister after consultation with the board", substitute "The Beretitenti, acting in accordance with the advice of the Cabinet given after consultation by the Minister with the Board".

#### First Schedule (1977, Schedule 1)

#### Section 4 (1977, S.4)

Omit from subsection (2) "the Chief Minister", substitute "the Minister".

#### Section 10 (1977, S.10)

Omit the section.

#### Second Schedule (1977, Schedule 2)

#### Section 1 (1977, S.1

Omit from subsection (5) "the service of government" (twice occurring), substitute "the public service".

# REVISED EDITION OF THE LAWS ORDINANCE 1976 (No.21 of 1976)

(Cap.92 of 1977)

#### Section 2 (1977, S.2)

Omit from the definition "effective date" the words "the Governor", substitute "the Beretitenti".

Omit the definition "Ordinance".

#### Section 3 (1977, S.3)

Omit "The Governor", substitute "The Beretitenti".

#### Section 5 (1977, S.5)

Omit from paragraph (r) "Her Majesty's or other territories", substitute "Kiribati or any other place".

#### Section 6 (1977, S.6)

Omit from subsection (1) "the Governor" (twice occurring), substitute "the Beretitenti".

#### Section 8 (1977, S.8)

Omit "The commissioner", substitute "Subject to subsection (2), the Commissioner".

Add at the end -

- "(2) Any booklet published under section 13 or 14 after the effective date shall contain
  - (a) on the front page the expressions
    - (i) 'Laws of Kiribati'; and
    - (ii) 'Revised Edition' followed by the relevant year; and
  - (b) at the top of every subsequent page of each such booklet the expression "(relevant year) Ed.".
- (3) In subsection (2), 'relevant year' means the year of 31<sup>st</sup> day of December referred to in section 15(2).".

#### Section 10 (1977, S.10)

Omit from subsection (1) "three", substitute "four".

Omit from subsection (2) "the public seal of the Gilbert Islands", substitute "the National Seal".

Omit from subsection (2) "the Secretary of State", substitute "the Beretitenti, one copy of each volume to the Speaker".

#### Section 11 (1977, S.11)

Omit from subsection (1) "The Governor", substitute "The Beretitenti".

#### Section 12 (1977, S.12)

Omit from subsection (1) "such imperial enactments, treaties and conventions", substitute "such treaties and conventions, and such laws of another country".

Omit subsection (2), substitute –

"(2) When any treaty, convention or law of another country is reprinted in pursuance of subsection (1), the treaty, convention or law may be reproduced with any amendments made to it, and any relevant modifications made to it in relation to Kiribati:

Provided that every departure from the original text shall be clearly shown by notes, references or other similar means.".

#### Section 13 (1977, S.13)

Omit subsection (1)(c), substitute –

"(c) in the form of a booklet, separately or together with any other such treaty or convention, a new revised edition of any treaty or convention that has been amended or otherwise modified in relation to Kiribati during that period;".

Omit from subsection (1)(d) "imperial enactments, treaties or conventions", substitute "treaties, conventions or laws of another country".

Omit from subsection (2) "Ordinance, imperial enactment, treaty or convention", substitute "Ordinance, treaty, convention or law of another country".

#### Section 15 (1977, S.15)

Omit from subsection (4) "the Governor" (twice occurring), substitute "the Beretitenti".

#### Section 17 (1977, S.17)

Omit from subsection (1) "the Governor", substitute "the Beretitenti".

Omit from subsection (2) "the Governor", substitute "the Beretitenti".

Omit from subsection (3) "the Governor", substitute "the Beretitenti".

## GILBERT ISLANDS GAZETTE

No. 6

Friday 29th June 1979

# SUPPLEMENT No. 6

Legal Notice No. 33

## REVISED EDITION OF THE LAWS ORDINANCE 1976

(NO. 21 OF 1976)

I, REGINALD JAMES WALLACE, Com-
panion of the Most Distinguished
Order of St. Michael and St.
George, Officer of the Most Ex-
cellent Order of the British Em-
pire, Governor of the Gilbert Is-
lands, in exercise of the powers
conferred upon me by section 6(1)
of the Revised Edition of the Laws
Ordinance 1976, do hereby order as
follows:-

- 1. In the preparation of the revised edition there shall be omissions other than those authorised by sections 4 and 5 of the Revised Edition of the Laws Ordinance 1976.
- 2. The Ordinances and the subsidiary legislation to be omitted pursuant to paragraph 1 of this Order are those specified in the Schedule to this Order.
- 3. Part II and Part III of the Schedule to the Revised Edition of the Laws Ordinance 1976 are repealed.

Dated R.J. WALLACE 25th May, Governor 1979

Published by exhibition at the Public Office of the Governor this 29th day of May, 1979.

KOMERI ONORIO Cap. 15 of for Secretary to the Chief Minister 1952

#### SCHEDULE

### SPECIFIED ORDINANCES

(Chapter numbers refer to the Revised Editions of the Laws of 1952 and 1973).

1 of 1902

1. Ocean Island, Application of Regulations to

2 of 1908 2. Washington and Fanning Islands, Proprietorship of

6 of 1939 3. Trading with the Enemy Ordinance 1939

Cap. 74 of 1952 4. Wireless Telegraphy Ordinance

Cap. 8 of 5. Proviso to sec-1952 tion 8 of the Consular (Conventions) Ordinance

4 of 1962 6. Defence Force Ordinance 1962

11 of 1963

11 of 1972

1969

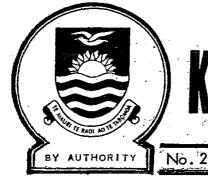
7 of

7. First Schedule - Part I, Imports (1) Classification and Tariff of the Customs Ordinance 1963

8. Land Registration (Tarawa and Tabiteuea) Ordinance 1969

9. Government Savings Bank (Transfer of Dormant Accounts and Repeal) Ordinance 1972

10. Cinematograph Ordinance



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	and Vehicles)
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ibition at the Public Office of the Beretitenti the 9th day of February, 1981.

> I. C. BATTEN for Secretary to the Cabine