

CHAPTER 224

THE INTERPRETATION ACT

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INTERPRETATION

(1st July, 1982.)

6/1982.
18/1982.
14/1984.
22/1985.
18/1989.
7/1991.

1. This Act may be cited as the Interpretation Act. **Short title.**

APPLICATION OF ACT

2. For the purposes of this Act— **Definitions.**
- (a) "enactment" means an Act or statutory instrument or any provision of an Act or statutory instrument;
- (b) "instrument" includes an Order in Council proclamation, order or warrant, scheme, rule regulation or bye-law, other than an order made or a warrant issued by a court;
- (c) "statutory instrument" means an instrument made under an Act;

(d) "statutory document" means any document issued under an Act other than a statutory instrument or an order of a court.

Application of Act.

3. (1) Every provision of this Act extends and applies to every enactment passed or made before or after the commencement of this Act, unless a contrary intention appears in this Act or the enactment.

(2) The provisions of this Act apply to this Act as they apply to an enactment passed after the commencement of this Act.

Rules of construction.

4. Nothing in this Act shall be construed as excluding the application to an enactment of a rule of construction applicable thereto and not inconsistent with this Act.

OPERATION OF ENACTMENTS

Acts are Public Acts and sections substantive enactments.

5. (1) Every Act is a public Act and shall be judicially noticed as such, unless the contrary is expressly provided by that Act.

(2) Every section of an Act shall have effect as a substantive enactment without any introductory words.

Private Acts.

6. A provision in an Act of the nature of a private Act does not affect the rights of a person otherwise than as therein mentioned or referred to.

Her Majesty's Rights.

7. No enactment binds or affects in any manner Her Majesty or Her Majesty's rights or prerogatives unless it is expressly stated therein that Her Majesty is bound thereby.

References to the Crown.

8. A reference in an enactment to the Sovereign or to the Crown shall be construed as a reference to the Sovereign for the time being; and the expression "Her Majesty" includes Her Majesty The Queen, Her Heirs and Successors.

Act binds Crown.

9. This Act binds the Crown to the full extent authorised or permitted by the Constitution.

10. (1) The preamble to an enactment shall be construed as a part thereof intended to assist in explaining the purport and object of the enactment. **Preambles, marginal notes and headings.**

(2) Marginal notes and headings in an enactment and references to other enactments in the margin of or at the end of an enactment form no part of the enactment but shall be deemed to have been inserted for convenience of reference only.

11. (1) A reference in an enactment to any other enactment shall be construed as a reference to that other enactment as for the time being amended by or under any other enactment, including the enactment in which the reference is made. **References in enactments.**

(2) A reference in an enactment to any statute passed either before or after the commencement of this Act by the Parliament of the United Kingdom or to any instrument made under or by virtue of any such statute, shall be construed as a reference to that statute or instrument as it applied for the time being as part of the law of Antigua and Barbuda.

(3) A reference in an enactment by number or letter to a Part, section, subsection, paragraph, sub-paragraph, or other division of another enactment shall be construed as a reference to such Part, section, subsection, paragraph, sub-paragraph or other division of such other enactment as printed by authority of law.

(4) A reference in an enactment by number or letter to two or more Parts, divisions, sections, subsections, paragraphs, sub-paragraphs, schedules, instruments or forms shall be read as including the number or letter first mentioned and the number or letter last mentioned.

(5) Where in an enactment reference is made to a Part, division, section, schedule or form without anything in the context to indicate that a reference to a Part, division, section, schedule or form of some other enactment is intended, the reference shall be construed as a reference to the Part, division, section, schedule or form of the enactment in which the reference is made.

(6) Where in a section of an enactment reference is made to a subsection, paragraph, sub-paragraph or other division without anything in the context to indicate that a reference to a subsection, paragraph, sub-paragraph, or other division of some other section or provision is intended, the reference shall be construed as a reference to a subsection, paragraph, sub-paragraph or other division of the section in which the reference is made.

(7) Where in a schedule or part of a schedule to an enactment reference is made to a paragraph, sub-paragraph or other division without anything in the context to indicate that a reference to a paragraph, sub-paragraph or the division of some other provision is intended, the reference shall be construed as a reference to the paragraph, sub-paragraph or other division of the schedule or part of the schedule in which the reference is made.

(8) Where in an enactment reference is made to a statutory instrument or statutory document, without anything in the context to indicate that a reference to a statutory instrument or statutory document made under some other enactment is intended, the reference shall be construed as a reference to the statutory instrument or statutory document, as the case may be, made under the enactment in which the reference is made.

(9) A reference in an enactment to any power exercisable, to any statutory instrument or statutory document made or issued, or to any act or thing done, under an enactment includes a reference to a power exercisable, a statutory instrument or statutory document made or issued or act or thing done by virtue of that enactment or of any statutory instrument or statutory document made or issued under or by virtue of that enactment.

(10) The expression "herein" when used in a section or other division of an enactment passed or made after the commencement of this Act relates to the whole enactment and not to that section or division only.

(11) Any reference in any statutory instrument to "the Act" shall be read and construed as a reference to the Act

conferring the power to make or issue such statutory instrument.

12. (1) An Act may be amended, altered or repealed in the same session of the Legislature. **Amending Provisions.**

(2) An amending enactment shall, so far as is consistent with the tenor thereof, be construed as part of the enactment that it amends, and, without prejudice to subsection (1) of section 11, has, as from the date on which it comes into operation, effect accordingly for the purposes of the construction and operation of any other enactment that refers to, or is incorporated with, the enactment that it amends.

13. (1) Every statutory instrument not expressed to come into force or operation on a particular day comes into operation as law on the date upon which it is published in the *Gazette* and shall be judicially noticed. **Commencement of enactments.**

(2) Where an enactment is expressed to come into operation on a particular day, whether that day is before or after the date of the passing of that enactment, or where the enactment is a statutory instrument, of the making thereof, and whether the particular day is named in the enactment or is to be appointed or fixed or ascertained in any other manner, the enactment shall, upon publication in the *Gazette* be construed as coming into force immediately on the expiration of the day before that particular day.

(3) The date of the making of a statutory instrument shall be the date therein expressed as the date of execution thereof, but where the instrument is made by two or more authorities jointly and is therein expressed to be executed by those authorities on different dates, the date of the making thereof is the last date so expressed.

14. (1) Where an enactment is expressed to expire, lapse or otherwise cease to have effect on a particular day, the enactment shall, except as provided by subsection (2), be construed as ceasing to have effect immediately on the expiration of that day. **Expiration of enactments.**

(2) Where a Bill is introduced into any session of the Legislature for the continuance of an enactment limited to

expire in or during that session and that enactment expires before such Bill, having passed both chambers of the Legislature, receives in that session the assent of the Governor-General, that enactment shall be deemed to have continued as fully and effectively in operation as if such Bill had received that assent before that enactment expired.

(3) Subsection (2) does not operate so as to render any person liable under any enactment that has expired to any penalty or forfeiture by reason of any act done by him before the date on which the Bill for the continuance of that enactment, having passed both chambers of the Legislature, receives the assent of the Governor-General.

Exercise of powers before commencement of enactment.

15. Where an enactment that is not to come into force immediately on the passing or making thereof confers power—

(a) to make appointments.

(b) to hold elections.

(c) to make statutory instruments or issue statutory documents,

(d) to publish documents or give notices,

(e) to prescribe forms,

(f) to give directions, or

(g) to do any other act or thing.

that power may, for the purpose of making the enactment effective upon its commencement, be exercised at any time after the passing or making thereof; but, except in so far as may be necessary or expedient for that purpose, a statutory instrument or statutory document made under that power does not have effect before the commencement of the enactment conferring the power.

Statutory powers and duties.

16. (1) Where an enactment confers a power or imposes a duty, the power may be exercised and the duty shall be performed from time to time, as occasion requires.

(2) Where an enactment confers a power to make any statutory instrument the power shall be construed as including power exercisable in the like manner and subject to the like

consent and conditions, if any, to amend, alter, rescind or revoke, that instrument and to make other statutory instruments in lieu thereof; but this subsection does not apply to an order made otherwise than by a rule-making authority in the exercise of a statutory power that is of a legislative character.

(3) Where an enactment empowers any person or authority to do any act or thing, all such powers shall be deemed to be also given as are reasonably necessary to enable that person or authority to do that act or thing or as are incidental to the doing thereof.

(4) Where an enactment authorises or requires an act or thing to be done collectively by more than two persons, a majority of those persons may do that act or thing, unless any quorum fixed by that enactment or by any other enactment relating thereto has not been formed.

(5) A power conferred by an enactment to make a statutory instrument or issue a statutory document may be exercised—

(a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases, and

(b) so as to make, as respects the cases in relation to which it is exercised,

- (i) the full provision to which the power extends or any less provision, whether by way of exception or otherwise,
- (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or classes of cases, or different provision as respect the same case or class of case for different purposes of the enactment, or
- (iii) any such provision either unconditionally or subject to any specified condition.

(6) Where an Act confers upon any person or authority power to make a statutory instrument, the statutory instrument so made shall be read and construed subject to the Act under which it was made and so as not to exceed the power of that person or authority, to the extent that where any such statutory instrument would, but for this subsection, have been construed as being in excess of the power conferred upon that person or authority, the statutory instrument is nevertheless valid to the extent to which it is not in excess of that power.

(7) Where an Act confers upon any person or authority power to make a statutory instrument, any act done under a statutory instrument so made shall be deemed to have been done under the Act that conferred the power to make the statutory instrument.

(8) Notwithstanding that a statutory instrument or statutory document is expressed or purports to be made or issued by a person or authority under a specific enactment, it shall be deemed also to be made or issued by that person or authority under all powers thereunto enabling that person or authority.

(9) Where an enactment confers power to any authority to make any statutory instrument for any general purpose and also for any special purpose incidental thereto, the enumeration of the special purposes shall not be deemed to derogate from the generality of the powers conferred with respect to the general purpose.

**Offences under
statutory
instruments.**

17. (1) Where an enactment confers a power to make any statutory instrument there may be annexed to a breach of that statutory instrument, in the absence from the enactment conferring the power of any specific provision to the contrary, a punishment by way of a fine not exceeding five thousand dollars.

(2) Where an enactment confers power to make a statutory instrument an offence under that statutory instrument is punishable on summary conviction.

**Holders of
Offices.**

18. (1) Subject to the Constitution, words in an enactment authorising the appointment of a person to any office

shall be deemed also to confer on the authority in whom the power of appointment is vested—

(a) power, at the discretion of the authority, to remove or suspend him, and

(b) power, exercisable in the like manner and subject to the like consent and conditions, if any, applicable on his appointment—

(i) to re-appoint or re-instate him,

(ii) to appoint another person in his stead, or to act in his stead whether or not there is a substantive holder of the office, and to provide for the remuneration of the person so appointed, and

(iii) to fix or vary his remuneration, to withhold his remuneration in whole or in part during any period of suspension from office, and to terminate his remuneration on his removal from office;

but where the power of appointment is only exercisable upon the recommendation or subject to the approval, consent or concurrence of some other person or authority the power of removal shall, unless the contrary intention is expressed in the enactment, be exercised only upon the recommendation, or subject to the approval, consent or concurrence of that other person or authority.

(2) In an enactment a reference, without qualification, to the holder of any office includes a reference to any person for the time being charged with the execution of the powers and duties of the office and, in particular,

(a) words in an enactment directing or empowering the holder of an office to do any act or thing, or otherwise applying to him by the name of his office, apply to his successors in office and to any person duly appointed to act for him,

(b) where an enactment confers a power or imposes a duty on the holder of an office, as such, the power may be exercised and the duty shall be performed by the person for the time being charged with the execution of the powers and duties of the office.

Power of appropriate service commission to provide for execution of duties of public officers during temporary absence or inability.

19. Where by or under any Act any powers are conferred or any duties are imposed upon a public officer, the appropriate service commission may direct that, if during any period owing to absence or inability to act from illness or any other cause such public officer shall be unable to exercise the powers or perform the duties of his office in any place under his jurisdiction or control, such powers shall be had and may be exercised and such duties shall be performed in such places by the person named by, the appropriate service commission, and thereupon such person or public officer during any period as aforesaid shall have and may exercise the powers and shall perform the duties aforesaid, subject to such conditions, exceptions and qualifications, as the appropriate service commission may direct.

Appointment of officers by name or office.

20. Where by or under any Act the Governor-General or any Minister, public officer or body is empowered to appoint or name a person to have and exercise any powers or perform any duties the Governor-General or such Minister, public officer or body may either appoint a person by name or direct the person for the time being holding the office designated by the Governor-General or by such Minister, public officer or body to have and exercise such powers and perform such duties; and thereupon or from the date specified by the Governor-General or by such Minister, public officer or body, the person appointed by name or the person for the time being holding the office aforesaid shall have and may exercise such powers and perform such duties accordingly.

Appointment of successor to office during leave of absence prior to retirement of substantive holder.

21. When a substantive holder of any office constituted by or under any Act is on leave of absence pending relinquishment of his office, it shall be lawful for another person to be appointed substantively to the same office.

Words of incorporation.

22. Words in an enactment passed or made after the commencement of this Act and establishing or providing for the establishment of a body corporate,

(a) vest in that body when established power to sue and be sued, to contract and be contracted with by its corporate name, to have a common seal and to alter

or change it at pleasure, to have perpetual succession, to acquire and hold real and personal property for the purposes for which the body corporate is constituted, to dispose of or charge such property at pleasure, and to regulate its own procedure and business,

(b) operate to require that judicial notice shall be taken of the corporate seal of that body, and that every document purporting to be a document sealed by that body and to be attested in accordance with the statutory provisions, if any, applicable to the attestation of documents so sealed shall, unless the contrary is proved, be received in evidence and be deemed to be such a document without further proof,

(c) vest in a majority of the members of the body the power, subject to any quorum fixed by the enactment under which it is established or by any relevant standing orders, to bind other members thereof, and

(d) exempt from personal liability for the debts, obligations or acts of that body, such members thereof as do not contravene the provisions of the enactment under which the body is established.

23. (1) Where an act or omission constitutes an offence under two or more enactments or under an enactment and any other law in force in Antigua and Barbuda, the offender is liable to be prosecuted and punished under either or any of those enactments or under that other law, but he is not liable to be punished twice for the same offence.

(2) An enactment creating criminal liability for an act or omission that, apart from the enactment, would give rise to civil liability does not operate to prejudice the civil liability; but this subsection shall not be construed as excluding the application of any rule of law that restricts the right to take civil proceedings in respect of an act or omission that would have constituted a felony at common law.

24. Where an enactment passed or made after the commencement of this Act confers any jurisdiction on a court or other tribunal or extends or varies the jurisdiction of a court or tribunal, the authority having for the time being power to make rules or orders regulating the practice and

Offences.

Procedure of courts and tribunals.

procedure of that court or tribunal, may make such rules and orders, including rules or orders regulating costs, fees, witnesses and other expenses, as appear to the authority to be necessary for regulating the practice and procedure of such court or tribunal in the exercise of the jurisdiction so conferred, extended or varied; and it is not necessary for any enactment to confer power on the authority to make any rules or orders for those purposes.

**Appellate courts
powers of.**

25. (1) Where an enactment passed or made after the commencement of this Act provides that an appeal against any decision or determination of a court, tribunal, authority or person, in this section called the "original tribunal", may be brought to any court, in this section called the "appellate court", that appellate court may, for all the purposes of and incidental to hearing or determining that appeal, exercise all the powers, authority and jurisdiction of the original tribunal.

(2) In addition the appellate court may—

(a) confirm, reverse or vary the decision or determination of the original tribunal,

(b) remit the appeal or any matter arising thereon to the original tribunal with such declaration or directions as the appellate court may think proper, or

(c) make such order as to costs and expenses as the appellate court may think proper.

(3) The original tribunal shall have regard, to all such declarations and obey all such directions, if any, as may be given by the appellate court pursuant to paragraph (b) of subsection (2).

(4) Orders made by an appellate court have the like effect and may be enforced in like manner as orders made by the original tribunal.

**Service of
documents.**

26. (1) Where an enactment authorises or requires a document to be served by post, whether the word "serve" or any of the words "give", "deliver" or "send" or any other word is used, the service of the document may be effected by prepaying, registering and posting an envelope

addressed to the person on whom the document is to be served at his usual or last known place of abode or business and containing such document; and, unless the contrary is proved, the document shall be deemed to have been served at the time at which such envelope would have been delivered in the ordinary course of post.

(2) Where an enactment passed or made after the commencement of this Act authorises or requires a document to be served on any person without directing it to be served in a particular manner, the service of that document may be effected either—

(a) by personal service, or

(b) by post in accordance with subsection (1), or

(c) by leaving it for him with some person apparently over the age of sixteen years at his usual or last known place of abode or business, or

(d) in the case of a corporate body or of any association of persons, whether incorporated or not, by delivering it to the secretary or clerk of the body or association at the registered or principal office of the body or association or serving it by post on such secretary or clerk at such office, or

(e) if it is not practicable after reasonable inquiry to ascertain the name or address of an owner, lessee, or occupier of premises on whom the document should be served, by addressing the document to him by the description of "owner" or "lessee" or "occupier", as the case may be, of the premises (naming them) to which the document relates, and by affixing it or a copy of it, to some conspicuous part of the premises.

27. Where a form is prescribed or specified by an enactment, deviations therefrom not materially affecting the substance nor calculated to mislead do not invalidate the form used.

Deviation in prescribed forms.

28. (1) Where an enactment authorises or requires evidence to be taken on oath, or authorises or directs an oath to be made, taken or administered, the oath may be administered, and a certificate or acknowledgement of its

Oaths, affirmations and declarations.

having been made, taken or administered may be given, by anyone authorised by the enactment to take the evidence, or by a judge of any court, a notary public, or a commissioner for oaths or justice of the peace having authority or jurisdiction in the place where the oath is administered.

(2) In every enactment, the words "oath", and "affidavit" in respect of persons for the time being allowed by law to affirm or declare instead of swearing, include affirmation and declaration; and the word "swear" in like case includes affirm and declare.

(3) A reference in an enactment to a statutory declaration shall be construed,

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(a) if made in Antigua and Barbuda, as a reference to a declaration made under and by virtue of and in accordance with the Abolition of unnecessary Oaths Act,

(b) if made in any part of the Commonwealth beyond Antigua and Barbuda, as a reference to a declaration made before a justice of the peace, notary public, or other person having authority therein under any law for the time being in force to take or receive a declaration, or

(c) if made in any other place, as a reference to a declaration made before a consul-general, consul, vice-consul or consular agent in the service of the Government or a person for the time being authorised to perform the functions of such consul-general, consul, vice-consul or consular agent or before any other person having authority under any law for the time being to take or receive a declaration.

(4) A power conferred by an enactment, passed or made after the commencement of this Act, upon a justice of the peace to administer any oath or affirmation, or to take any affidavit or declaration, may be exercised by a notary public.

Cessation of effect of statutory provision.

29. Where in an enactment it is declared that the whole or part of any enactment is to cease to have effect, the latter enactment shall be deemed to have been repealed to the extent to which it is so declared to cease to have effect.

30. (1) The repeal of any law or enactment shall not be deemed to involve a declaration that such law or enactment was or was considered by the Legislature to have previously been in force in Antigua and Barbuda. **Construction of repeals and amendments.**

(2) The amendment of an enactment shall not be deemed to be or to involve a declaration that the law under such an enactment was, or was considered by the Legislature to have been, different from the law as it has become under such enactment as so amended.

(3) The repeal or amendment of any enactment shall not be deemed to be or to involve any declaration whatsoever as to the previous state of the law.

(4) The Legislature shall not, by re-enacting any enactment, or by revising, or consolidating the same, be deemed to have adopted the construction that has, by judicial decision or otherwise, been placed upon the language used in such enactment, or upon similar language.

(5) Nothing in this section shall be deemed to apply in respect of any repeal, amendment, re-enactment, revision, or consolidation made before the commencement of this Act.

31. (1) Where an enactment repeals or revokes an enactment, the repeal or revocation does not, except as in this section otherwise provided, **Effect of repeal.**

(a) revive any enactment or thing not in force or existing at the time at which the repeal or revocation takes effect, or

(b) affect the previous operation of the enactment so repealed or revoked, or anything duly done or suffered thereunder, or

(c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the enactment so repealed or revoked, or

(d) affect any offence committed against the enactment so repealed or revoked, or any penalty or forfeiture or punishment incurred in respect thereof, or

(e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the enactment had not been repealed or revoked.

(2) Nothing in subsection (1) shall be taken to authorise the continuance in force after the repeal or revocation of an enactment of any instrument made under that enactment.

(3) Where at any time an enactment expires, lapses or ceases to have effect, this section applies as if that enactment had then been repealed or revoked.

(4) The inclusion in the repealing provisions of an enactment of any express saving with respect to the repeals effected thereby shall not be taken to prejudice the operation of this section with respect to the operation of those repeals.

Effect of substituting provisions.

32. (1) Where an enactment repeals or revokes and re-enacts with or without modification, any enactment, a reference in any other enactment to the enactment so repealed or revoked shall, without prejudice to the operation of subsections (2) and (3), be construed as a reference to the enactment as re-enacted.

(2) Where an enactment repeals or revokes an enactment (in this subsection and subsection (3) called the "old enactment") and substitutes another enactment therefor by way of amendment, revision or consolidation—

(a) all officers and persons acting under the old enactment shall continue to act, as if appointed under the enactment so substituted.

(b) every bond and security given by a person appointed under the old enactment remains in force and all offices, books, papers and things used or made under the old enactment shall continue to be used as theretofore so far as consistent with the enactment so substituted.

(c) all proceedings taken under the old enactment shall be prosecuted and continued under and in conformity with the enactment so substituted, so far as consistently may be,

(d) in the recovery or enforcement of penalties incurred, and in the enforcement of rights existing or accruing under, the old enactment, the procedure established by the enactment so substituted shall be followed so far as it can be adapted, and

(e) where any penalty, forfeiture or punishment is reduced or mitigated by any of the provisions of the enactment so substituted, the penalty, forfeiture or punishment, if imposed or adjudged after such repeal or revocation, shall be reduced or mitigated accordingly.

(3) Without prejudice to subsection (2), where an enactment repeals or revokes an enactment and substitutes another enactment therefor by way of amendment, revision or consolidation—

(a) all statutory instruments or statutory documents made, confirmed or granted under the old enactment and all decisions and authorisations, directions, consents, applications, requests or things made, issued, given or done thereunder shall, in so far as they are in force at the commencement of the enactment so substituted, and are not inconsistent therewith, have the like effect and the like proceedings may be had thereon and in respect thereof as if they had been made, issued, given or done under the corresponding provision of the enactment so substituted, and

(b) any reference to that old enactment in any unrepealed or unrevoked enactment shall in relation to any subsequent transaction, matter or thing, be construed as a reference to so much of the enactment so substituted as relates to the same subject matter as the old enactment, and, if nothing in the enactment so substituted relates to the same subject matter, the old enactment shall stand good and be read and construed as unrepealed or unrevoked in so far, and in so far only, as is necessary to support, maintain, or give effect to such unrepealed or unrevoked enactment.

Repeal of a repealing enactment.

33. Where any law repealing in whole or in part any former law is itself repealed, such last repeal shall not revive the law before repealed unless words be added reviving such law.

Repeal and substitution.

34. Where any law repeals wholly or partially any former law and substitutes provisions for the law repealed, the repealed law shall remain in force until the substituted provisions come into operation.

Construction of amending law with amended law.

35. Where one law amends another law the amending law shall, so far as it is consistent with the tenor thereof and unless the contrary intention appears, be construed as one with the amended law.

CONSTRUCTION OF ENACTMENTS

Enactments always speaking.

36. (1) Every enactment shall be construed as always speaking and if anything is expressed in the present tense it shall be applied to the circumstances as they occur so that effect may be given to each enactment according to its true spirit, intent and meaning.

(2) The expression "now", "next", "heretofore" or "hereafter" shall be construed as referring to the time when the enactment containing the expression came into force.

Parts of speech.

37. Where a word is defined in an enactment, other parts of speech and grammatical variations and cognate expressions of that word have corresponding meanings in that enactment.

Remedial construction.

38. Every Act, and every provision thereof, shall be deemed remedial, whether the immediate import is to direct the doing of any thing that the Legislature deems to be for the public good, or to prevent or punish the doing of any thing that it deems contrary to the public good, and shall accordingly receive such fair, large and liberal construction and interpretation as will best ensure the attainment of its true spirit, intent and meaning.

Expressions in instruments.

39. Where an enactment confers power to make any statutory instrument or issue any statutory document, expressions used in the instrument or document have the

same respective meanings as in the enactment except a contrary intention appears or they are otherwise defined in such instrument or document or are inconsistent with the subject or context.

40. (1) Definitions or rules of interpretation contained in an enactment apply to the construction of the provisions of the enactment that contain those definitions or rules of interpretation, as well as to the other provisions of the enactment.

**Interpretation
enactments.**

(2) An interpretation section or provision contained in an enactment shall be read and construed as being applicable only if a contrary intention does not appear in the enactment.

41. In an enactment, a name commonly applied to a country, place, Government department, body, corporation, society, minister, officer, functionary, person, party, statutory provision, or other thing, means the country, place, Government department, body, corporation, society, minister, officer, functionary, person, party, statutory provision, or other thing to which the name is commonly applied in Antigua and Barbuda, whether or not the name is the formal or unabbreviated designation thereof.

**Names commonly
used.**

42. (1) Words in an enactment importing, whether in relation to an offence or not, persons or male persons include male and female persons, corporations, whether aggregate or sole, and unincorporated bodies of persons.

**Gender and
number.**

(2) In an enactment—

- (a) words in the singular include the plural, and
- (b) words in the plural include the singular.

(3) Without prejudice to subsections (1) and (2), a reference in an enactment to a party aggrieved includes a reference to a body corporate in every case where that body is a party aggrieved.

43. In an enactment the expression "shall" shall be construed as imperative, and the expression "may" as permissive and empowering.

**"Shall" and
"may".**

Time.

44. (1) Words in an enactment relating to time and a reference therein to a point of time shall be construed as relating or referring to the standard time adopted for Antigua and Barbuda.

(2) Where in an enactment a period of time is expressed to begin on, or to be reckoned from, a particular day, that day shall not be included in the period.

(3) Subject to subsection (5) where in an enactment a period of time is expressed to end on, or to be reckoned to, a particular day, that day shall be included in the period.

(4) Where the time limited by an enactment for the doing of anything expires or falls upon a Sunday or a public holiday, the time extends to and the thing may be done on the first following day that is not a Sunday or a public holiday.

(5) Where by an enactment a period of time prescribed for the doing of anything does not exceed six days Sundays and public holidays shall not be included in the computation of the time.

(6) Where by an enactment a period of time is expressed as "clear days" or the term "at least" is used, both the first day and the last day shall be excluded from the computation of the period.

(7) Where by an enactment no time is prescribed or allowed within which anything shall be done, such thing shall be done with all convenient speed, and as often as the prescribed occasion arises.

(8) In an enactment

(a) a reference to midnight, in relation to any particular day, shall be construed as reference to the point of time at which that day ends;

(b) a reference to a week-day shall be construed as a reference to a day that is not a Sunday;

(c) a reference to a month shall be construed as a reference to a calendar month;

(d) a reference, without qualification, to a year shall be construed as a reference to a period of twelve months.

(9) In an enactment the expression "public holiday" means any day or part of a day that under the provisions of any law for the time being in force is or is defined to be or proclaimed as a public holiday.

45. In the measurement of any distance for the purpose of any enactment, that distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane. **Distance.**

STATUTORY BOARDS

46. Where by or under any enactment any statutory board is established, then, unless the contrary intention appears, and subject to any requirement of that enactment with respect to a quorum, the powers of such statutory board shall not be affected by— **Powers of statutory boards.**

(a) any vacancy in the membership thereof;

(b) the fact that it is afterwards discovered that there was some defect in the appointment or qualification of a person purporting to be a member thereof;

(c) the fact that there was any minor irregularity in the convening of any meeting thereof.

47. (1) Where an enactment passed or made after the commencement of this Act confers upon any person or authority the power to appoint or name a person to be a member of a statutory board, or to have and exercise any powers, or to perform any duties, in respect of a statutory board, that person or authority may either appoint an individual by name or direct the individual for the time being holding the office designated by that person or authority to be a member of the statutory board, or to have and exercise those powers or to perform those duties; and thereupon or from the date specified by that person or authority, the individual so appointed is a member of that statutory board or has and may exercise those powers, or shall perform those duties accordingly, as the case may be. **Appointment of statutory boards.**

(2) Where by or under an enactment passed or made after the commencement of this Act power is conferred upon any person or authority to appoint all the members of a statutory board, that power includes

(a) the power to appoint the chairman of the statutory board from time to time as occasion requires, and

(b) the power to appoint individuals as alternate members of the statutory board;

and where any alternate member is appointed under this subsection to a statutory board the alternate member shall act as a member only when the member to whom he is alternate is for any reason unable to perform his duties as a member, and the alternate member when so acting for the member has all the powers and may perform all the functions of the member to whom he is the alternate member.

OFFENCES AND PENALTIES

Penalties prescribed to be maximum penalties.

48. Whenever in any law a penalty is provided for an offence against that law, such provision shall, unless the contrary intention appears, be construed as fixing the maximum penalty for that offence, and the offender, on being found guilty, shall be liable to any penalty not exceeding the prescribed penalty; and it shall not be necessary in the law prescribing the penalty to use the expressions "not exceeding", "a term not exceeding", "on conviction thereof" or any similar expressions.

Attempts.

49. Where an enactment creates an offence, the enactment shall be deemed to provide also that an attempt to commit that offence is an offence under the enactment and punishable as if the offence itself had been committed.

Imprisonment may be imposed with or without hard labour.

50. Where by any law a court is empowered to order imprisonment, either peremptorily or in default of payment, of any pecuniary penalty, upon conviction for an offence, the court may, in the absence of express provision to the contrary in the same or any other law, order the offender to be imprisoned either with or without hard labour, and it shall not be necessary in the law prescribing the penalty to state that any such imprisonment may be with or without hard labour.

51. (1) Where under an enactment any animal or thing is or is ordered by a competent authority to be confiscated or forfeited, it shall be deemed to be forfeited to the Crown for the purposes of Antigua and Barbuda.

Disposal of forfeits.

(2) Where under an enactment any animal or thing ordered or deemed to be forfeited to the Crown is required to be sold, the net proceeds of any such sale shall be paid into and form part of the general revenue of Antigua and Barbuda.

(3) Nothing in this section prejudices any enactment under which any fine, penalty or forfeit or any part thereof, or the proceeds of any forfeit or part thereof, is recoverable by any person or may be granted by any authority to any person.

52. Whenever in any law a penalty is set out at the foot or end of any section the same shall indicate that any contravention of the section whether by act or omission shall be an offence against that law and shall, unless the contrary intention appears, be punishable by a penalty not exceeding the penalty stated.

statement of penalty at foot of section.

53. Where a fine or pecuniary penalty is imposed by or under an enactment, the fine or penalty is payable into the general revenue of Antigua and Barbuda.

Pecuniary penalties.

54. Where in an enactment an offence is declared to be punishable on summary conviction, the procedure in respect of the trial and punishment of the offence and the recovery of the penalty, and all matters incidental to or arising out of the trial and punishment of the offence or the recovery of the penalty shall be in accordance with the Magistrate's Code of Procedure Act.

Summary.

Cap. 255.

PARTICULAR WORDS AND PHRASES

55. (1) In an enactment—

Definitions for legislative purposes.

"Act" means an Act of Parliament and when used in relation to legislation shall include private Act and any statutory instrument or other subsidiary legislation made under the authority of any Act;

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- "Chamber" means the Senate or the House of Representatives, as the context requires;
- "the House" means the House of Representatives;
- "law" means any law in force in Antigua and Barbuda or any part thereof, including any instrument having the force of law and any unwritten rule of law and "lawful" and "lawfully" shall be construed accordingly;
- "the Legislature" means the Parliament of Antigua and Barbuda;
- "Parliament" means the Parliament of Antigua and Barbuda;
- "President" and "Vice-President" means the respective persons holding office as President and Vice-President of the Senate;
- "regulation" includes any rule, by-law, order, form or notice, issued or made under the authority of any law;
- "rule" includes regulation and has the same meaning as that expression;
- "the Senate" means the Senate of Antigua and Barbuda;
- "session" means the period beginning when the Senate or the House first meets after any prorogation or dissolution of Parliament and ending when Parliament is prorogued or is dissolved without having been prorogued;
- "sitting" means in relation to either House of Parliament the period during which that House is sitting continuously without adjournment and includes any period during which it is in committee;
- "Speaker" and "Deputy Speaker" means the respective persons holding office as Speaker and Deputy Speaker of the House;

“statute” means any Act, statutory instrument or other subsidiary legislation for the time being having the force of law in Antigua and Barbuda;

“subsidiary legislation” means any statutory instrument as well as any direction, notice or form made under any Act, or other lawful authority and having legislative effect.

“written law” means any Act and any subsidiary legislation which includes Orders, Proclamations, Rules, Bye-Laws, or Regulations made or issued by any body or person having power or authority under any Act.

(2) A reference in any enactment passed or made after the commencement of this Act to the laying of any statutory instrument or statutory document or report, account or other document before either chamber of the Legislature shall be construed as a reference to the taking, during the existence of the Legislature, of such action as is directed by virtue of any Standing Order or other direction of that chamber for the time being in force to constitute the laying of that document before that chamber, or as is accepted by virtue of the practice of that chamber, for the time being as constituting such laying, notwithstanding that the action so directed or accepted consists in part or wholly in action capable of being taken otherwise than at or during the time of sitting of that chamber.

(3) A reference in any enactment passed or made after the commencement of this Act to the laying of any statutory instrument, statutory document, or report, account or other document before the Legislature shall, subject to subsection (2) be construed as a reference to the laying of that document before each chamber of the Legislature.

(4) The expression “subject to affirmative resolution of the Legislature”, when used in relation to any statutory instruments or statutory documents, means that those instruments or documents shall not come into operation unless and until affirmed by a resolution of each chamber of the Legislature.

(5) The expression "subject to affirmative resolution of the House", when used in relation to any statutory instruments or statutory documents, means that those instruments or documents shall not come into operation unless and until affirmed by a resolution of the House.

(6) The expression "subject to negative resolution of the Legislature", when used in relation to any statutory instruments or statutory documents, means that those instruments or documents shall, as soon as may be after they are made, be laid before each chamber of the Legislature, and if either chamber, within the period prescribed by the standing orders of that chamber or by the enactment authorising those instruments or documents, as the case may be, resolves that any of those instruments or documents shall be annulled, that instrument or document is void as from the date of the resolution, but without prejudice to the validity of anything done thereunder or to the making of a new instrument or document.

(7) The expression "subject to negative resolution of the House", when used in relation to any statutory instruments or statutory documents, means that those instruments or documents shall, as soon as may be after they are made, be laid before the House and if the House, within the period prescribed by the standing orders of the House or by the enactment authorising those instruments or documents, as the case may be, resolves that any of those instruments or documents shall be annulled, that instrument or document is void as from the date of the resolution, but without prejudice to the validity of anything done thereunder or to the making of a new instrument or document.

Definitions for
judicial purposes.

56. In an enactment the expression—

"Chief Justice" means the Chief Justice of the Supreme Court;

"Chief Registrar" means the person appointed under section 12 of the Supreme Court Order to be Chief Registrar and includes any person performing the functions of Chief Registrar pursuant to subsection (3) of that section;

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- "committed for trial" used in relation to any person means committed to prison with the view of being tried before a judge and jury by any authority having power to commit a person to prison with a view to his trial, and includes a person who is admitted to bail upon a recognizance to appear and take his trial before a judge and jury;
- "court" means any court of Antigua and Barbuda of competent jurisdiction;
- "the Court of Appeal" and "the High Court" means respectively the Court of Appeal and High Court of Justice established by the Supreme Court Order;
- "indictment" means a written accusation signed by the Director of Public Prosecutions or other authorised person and presented to the Supreme Court charging any person or persons with the commission of one or more crimes, and includes any criminal information triable by jury;
- "indictable offence" means an offence triable on indictment;
- "judge" includes the Chief Justice, a judge of the Court of Appeal and a puisne judge of the Supreme Court;
- "a justice" or "a justice of the peace" means a person appointed by the Governor-General to be a justice of the peace in and for Antigua and Barbuda;
- "magistrate" means a district magistrate;
- "preliminary inquiry" means an inquiry held by a magistrate under and in accordance with the Magistrate's Code of Procedure Act or any Act amending or substituted for that Act ^{Cap. 255.}
- "printed by authority of law" means printed by the Government Printer;
- "Registrar" or "Registrar-General" means the Registrar of the Supreme Court;

parts of such dominions are under both a central and a local legislature, all parts under the central legislature are deemed, for the purposes of this definition, to be one British possession.

"British subject" and "Commonwealth citizen" have the same meaning, that is—

- (i) a person who under the British Nationality Act 1948 is a citizen of the United Kingdom and Colonies or who under any enactment for the time being in force in a country mentioned in section 1 (3) of that Act is a citizen of that country; and
- (ii) any other person who has the status of a British subject under that Act or any subsequent enactment;

1948 c. 56.

"Cabinet" means the Cabinet of Antigua and Barbuda established by the Constitution;

"Caribbean Community" or "Caricom" means the Caribbean Community established by the Treaty signed on 4 July 1973 at Chaguaramas, Trinidad;

"Colony" means any part of Her Majesty's dominions outside the British Islands except—

- (i) countries having fully responsible status within the Commonwealth;
- (ii) territories for whose external relations a country other than the United Kingdom is responsible;
- (iii) Associated States;

and where parts of such dominions are under both a central and local legislature, all parts under the central legislature are deemed, for the purposes of this definition, to be one colony;

LAWS OF ANTIGUA AND BARBUDA

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CAP. 224)

Interpretation

"rules of court", when used in relation to any court, means rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of that court;

Cap. 255.

"summary conviction" means summary conviction before a magistrate in accordance with the provisions of the Magistrate's Code of Procedure Act or any Act amending or substituted for that Act;

S.I. 1967/1223.

"Supreme Court" means the Eastern Caribbean Supreme Court established under and by virtue of the Supreme Court Order;

"the Supreme Court Order" means the West Indies Associated States Supreme Court Order 1967.

Definitions for official purposes.

57. In an enactment the expression—

--Accountant-General)) means the Accountant-General of Antigua and Barbuda;

"appropriate Service Commission" means the Public Service Commission, the Police Service Commission or the Judicial and Legal Services Commission;

1967 c. 4.

"Associated State" means a territory maintaining a status of association with the United Kingdom in accordance with the West Indies Act, 1967;

"Attorney-General" means the Attorney-General of Antigua and Barbuda;

Cap. 44.

"the Barbuda Council" means the Council established under and by virtue of the Barbuda Local Government Act, and any Act amending or substituted for that Act;

"British Islands" means the United Kingdom, the Channel Islands and the Isle of Man;

"British possession" means any part of Her Majesty's dominions outside the United Kingdom; and where

“Commissioner of Income Tax” means the Commissioner of Income Tax of Antigua and Barbuda;

“Commissioner of Inland Revenue” means the Commissioner of Inland Revenue of Antigua and Barbuda;

“Commissioner of Police” means the Commissioner of Police of Antigua and Barbuda;

“Commonwealth” means Antigua and Barbuda, Australia, the Bahamas, Bangladesh, Barbados, Belize, Botswana, Brunei Darussalam, Canada, Cyprus, Dominica, The Gambia, Ghana, Grenada, Guyana, India, Jamaica, Kenya, Kiribati, Lesotho, Malawi, Malaysia, The Maldives, Malta, Mauritius, Nauru, New Zealand, Nigeria, Papua-New Guinea, Saint Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Seychelles, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Swaziland, Tanzania, Tonga, Trinidad and Tobago, Tuvalu, Uganda, United Kingdom and Colonies, Vanuatu, West Somoa, Zambia, Zimbabwe, and any dependency of any such country:

Provided that the Attorney-General may from time to time, by order published in the *Gazette*, add any country to or delete any country from the countries so specified.

“Comptroller of Customs” means the Comptroller of Customs of Antigua and Barbuda;

“Consolidated Fund” means the Consolidated Fund for which provision is made in Chapter VI of the Constitution;

“constable” means a police officer below the rank of subordinate police officer of the Police Force and includes a local constable appointed under the Local Constables Act;

"the Constitution" or "the Constitution of Antigua and Barbuda" means the Constitution of Antigua and Barbuda set out in Schedule 1 to the Antigua and Barbuda Constitution Order, 1981, and includes any law that amends or replaces any of the provisions of that Constitution; S.I. 1981/1106.

"consul" and "consular officer" means any person including the head of a consular post, recognised by the competent authority of the receiving state as entrusted in that capacity with the exercise of consular functions;

"Crown Agents" means all or any of the persons designated Crown Agents in the United Kingdom for Overseas Governments and Administrations;

"Director of Audit" means the Director of Audit appointed under the Constitution;

"Director of Public Prosecutions" means the Director of Public Prosecutions appointed under the Constitution;

"East Caribbean" or "Eastern Caribbean" means Antigua and Barbuda St. Christopher and Nevis, Montserrat, the Commonwealth of Dominica, St. Lucia, St. Vincent and the Grenadines, Grenada and the dependencies of any of those countries;

Provided that the Governor-General may from time to time, by order published in the *Gazette*, add any country to or delete any country from the countries so specified;

"Financial Secretary" means the Financial Secretary of Antigua and Barbuda;

"financial year" means, in relation to matters relating to the Consolidated Fund or moneys provided by Parliament, or to the revenue, expenditure and accounts of any local government council or authority the twelve months ending with 31st December;

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CAP. 224)

Interpretation

"the Gazette" or "the *Official Gazette*" means the *Official Gazette* printed and published in Antigua and Barbuda by order of the Government for and on behalf of the Government and includes supplements thereto and any special or extraordinary Gazette so published;

"gazetted" means published in the Gazette;

"general revenue", "public revenue", "public funds" means the revenues of the Government receivable by and paid into the Treasury;

"Government" means the Government of Antigua and Barbuda;

"Government Printer" means any person for the time being authorised by the Government to print the Gazette or any laws;

"Government Officer" means any person for the time being in the employment of the Government;

"Governor-General" means the person appointed to the office of Governor-General of Antigua and Barbuda and includes any person for the time being lawfully discharging the functions of that office and, to the extent to which a Deputy appointed under section 25 of the Constitution is authorised to exercise those functions, that Deputy;

Cap. 260.

"internal waters" means the internal waters of Antigua and Barbuda as defined in the Maritime Areas Act or in any enactment amending or substituted for that Act;

"Judicial and Legal Services Commission" means the Judicial and Legal Services Commission established under and by virtue of the Supreme Court Order;

"Minister" means the member of the Cabinet for the time being administering the subject matter of the enactment in which or in respect of which the expression is used;

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- "Organisation of Eastern Caribbean States" or "OECS" means the Organisation of Eastern Caribbean States established by the Treaty signed on the 18th day of June 1981 at Basseterre;
- "peace officer" includes a magistrate, justice of the peace, any police officer, local constable and every other person lawfully assisting or called in aid of any such person whilst so assisting or aiding any of them;
- "Police Force"⁷ means the Police Force established by the Police Act and includes any other Police Force established by or under any enactment to succeed or to supplement the functions of the Police Force; Cap. 330.
- "police officer" means a member of the Police Force;
- "Police Service Commission" means the Police Service Commission established under and by virtue of the Constitution;
- "prescribed" means prescribed in or under the enactment in which the expression occurs and in relation to any subsidiary legislation means prescribed by the Cabinet unless some other authority is mentioned in the enactment in which the word occurs;
- "proclamation" means proclamation by the Governor-General published in the *Gazette* or if it is not possible so to publish, by publication in a newspaper circulating in Antigua and Barbuda or by any other reasonable means;
- "Public Seal" means the Public Seal of Antigua and Barbuda;
- "Public Service Commission" means the Public Service Commission established under and by virtue of the Constitution;
- "Secretary of State" means one of Her Majesty's Principal Secretaries of State for the time being;

"statutory board" means any commission, board, committee, council or similar body whether corporate or unincorporate established by an Act;

"territorial sea" means the territorial sea of Antigua and Barbuda as defined in the Maritime Areas Act or in any enactment amending or substituted for that Act;

"United Kingdom" means Great Britain and Northern Ireland.

Miscellaneous definitions.

58. In an enactment the expression—

"access" includes ingress, egress and regress;

"act" when used with reference to an offence or civil wrong includes a series of acts, and words so used that refer to acts done extend to illegal omissions;

"adult" means any person who has attained the age of eighteen years;

"aircraft" means any machine that can derive support in the atmosphere from the reaction of the air;

"alien" means a person who is not a Commonwealth citizen or a British protected person;

"assets" includes property or rights of any kind;

"British protected person" means a person who is a British protected person for the purposes of the British Nationality Act 1948 or any Act of the United Kingdom Parliament amending or replacing that Act;

"child" includes a child born out of wedlock and not legitimated;

"Christian name" means any name prefixed to a surname, whether received in a Christian baptism or otherwise;

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- “coin” means any coin legally current in Antigua and Barbuda;
- “commencement” when used with reference to any statutory provision means the time at which that provision comes into operation;
- “costs” includes fees, charges, disbursements, expenses and remuneration;
- “common law” means the common law of England;
- “contravene” in relation to any requirement or condition prescribed in any law, or in any grant, permit, licence, lease or other authority, granted under or in pursuance of any law, includes a failure to comply with that requirement or condition;
- “day” means a full day of twenty-four hours, and when used in relation to any act or omission or occurrence shall commence at the first moment of the day on which such act, omission or occurrence is done or happens after midnight of the previous day and shall end at the last moment of the day on which such act, omission or occurrence as aforesaid is done or happens before midnight of such last mentioned day as aforesaid;
- “dollar” means dollar in the currency of Antigua and Barbuda;
- “estate” when used with reference to land includes any legal or equitable estate or interest, easement, right, title, claim, demand, charge, lien or incumbrance in, over, to or in respect of the land;
- “father”, in relation to a child born out of wedlock and not legitimated, includes a person who acknowledges and can show that he is the father of the child or has been found by a court to be the father of the child;
- “fault” means wrongful act or default;

“functions” includes jurisdictions, powers and duties;

“goods” includes all kinds of movable property including animals;

“house” includes any messuage, part of a messuage, house, part of a house, building, or other construction whether wholly or in part above or below the surface of the ground, inhabited or occupied either by day or by night by man, whether beneficially or otherwise, or intended to be so inhabited or occupied;

“individual” means a natural person and does not include a corporation;

“instrument” includes any publication in the *Gazette* having legal effect;

“land” and “premises” includes all tenements or hereditaments, and also all messuages, houses, buildings and other constructions, whether the property of Her Majesty or of any corporation, or of any individual, except where there are words to exclude house and other buildings;

“master” used in relation to a ship means any person (except a pilot or harbour master) having for the time being control or charge of a ship;

“medical practitioner” or “duly qualified medical practitioner” or “legally qualified medical practitioner” or “registered medical practitioner” or any other words or expressions importing legal recognition of any person as a medical practitioner or member of the medical profession, means a person duly registered or licensed to practise medicine under the provisions of any law for the time being applicable to medical practitioners;

“or”, “other” and “otherwise” are, unless a contrary intention appears, to be construed disjunctively and not as implying similarity, unless the word

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- "similar" or some other word of like meaning is added;
- "parent" includes the mother of a child born out of wedlock;
- "person" means a natural person or a legal person and includes any public body and any body of persons, corporate or unincorporate either aggregate or sole, and any club, society, association or other body, of one or more persons; and this definition shall apply notwithstanding that the word "person" occurs in an enactment creating or relating to an offence or for the recovery of any fine or compensation;
- "power" includes any privilege, authority and discretion;
- "print" includes reproduction or representation by means of a typewriter, roneo, cyclostyle or other similar apparatus or by any other method by which words, figures, signs or symbols may be reproduced or represented in visible form as well as every mode of duplicating whether photo-copying, letter press, stereotype, lithography or otherwise;
- "Prison or Gaol" means the common prison or gaol of Antigua and Barbuda in which a person is committed to prison;
- "property" includes money, goods, things in action, land and every description of property, whether real or personal; also obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incidental to property as herein defined;
- "public place" includes any public highway, street, road, square, court, alley, land, bridleway, foot-path, parade, wharf, jetty, quay, bridge, public garden or open square, and every theatre, place of public entertainment of any kind, or other place

of general resort, admission to which is obtained by payment, or to which the public have access;

"publication" means—

(a) all written and printed matter;

(b) any record, tape, wire, perforated roll, cinematograph film or other contrivance by means of which any words or ideas may be mechanically, electronically or electrically produced, reproduced, represented or conveyed;

(c) anything whether of a similar nature, to the foregoing or not, containing any visible representation, or by its form, shape or in any manner capable of producing, reproducing, representing or conveying words or ideas; and

(d) every copy and reproduction of any publication as defined in paragraphs (a), (b) and (c) of this definition;

"recorded" used with reference to a document means recorded under the provisions of the law applicable to the recording of such document;

"registered" used with reference to a document means registered under the provisions of the law applicable to the registration of such document;

"sale" and "sell" includes offer or exposure for sale, barter and exchange;

"ship" means every description of vessel used in navigation not exclusively propelled by oars and includes hovercraft;

"signature" and "signed" include and apply to the making of a mark;

"statute of limitation" means any statutory provision or other law prescribing a period within which any civil proceedings to which such provision or law relates is required to be brought, but does not include a provision or law prescribing a period

within which any criminal proceedings, including proceedings to recover any penalty imposed as a punishment for a criminal offence, is to be brought;

"street" and "road" includes any public highway, street, road, thoroughfare, square, court, alley, lane, bridleway, footway, parade, passage, or open place used or frequented by the public, or to which the public have or are permitted to have access;

"surety" includes sufficient surety;

"vessel" includes any ship, boat, lighter, or other floating craft used for transport by water and whether propelled by steam or otherwise;

"warrant" means a warrant under the hand of the person having authority to issue the same.

"will" includes codicil;

"writing" includes typing, printing, lithography, photography and other modes of representing or reproducing words or figures in visible form, and expressions referring to writing are construed accordingly;

CITATION

59. When an Act is referred to, it shall be sufficient for all purposes to cite the Act either by the short title, if any, by which it is made citable, or by the year of its passing and its number among the Acts of that year or in the case of the revised edition of the laws issued under any Act providing for the issue of a revised edition, by its short title or its chapter and number and the reference may in all cases be made according to the copies of Acts purporting to be printed by the Government Printer.

Citation of original or revised Acts.

60. Whenever the Principal Act on any subject is amended by any Act and the title or short title of the Principal Act admits of it, the Principal Act and every Act amending it may for all purposes be cited by the title or short title, as the case may be, of the Principal Act, substituting therein

Citation of amended Acts.

the word "Acts" for the word "Act" and omitting the year and number, or adding the years of the first and last Acts referred to; and whenever two or more Acts are cited in the manner authorised by this section, the authorised short title used shall be construed to mean all the Acts covered by that short title or either or any of them.

Construction of description of citation.

61. (1) In an enactment every description of or citation from any other enactment or from any document made thereunder shall be construed as including the word, subsection, section, or other portion mentioned or referred to as forming the beginning or as forming the end of the portion comprised in the description or citation or as being the point from which or to which (or from which and to which) such portion extends.

(2) In an amending enactment the expression "words" includes figures, punctuation marks and typographical, monetary and mathematical symbols.

MISCELLANEOUS

Fiat-Evidence of signatures.

62. Where by any law the fiat of any person, functionary or authority is necessary before any prosecution or action is commenced, any document purporting to bear fiat of that person, functionary or authority shall be received as *prima facie* evidence in any proceeding without proof being given that the signature to such fiat is that of the person, functionary or authority concerned.

Times for service of summons etc.

63. Any summons, notice, warrant or other process may be issued, served or executed and any arrest, search or seizure may be carried out or made on any day, whether a Sunday or public holiday or not and at any hour of the day or night.

Power of Minister to delegate authority.

64. When by any law a Minister is empowered to exercise any powers or perform any duties, he may, unless by law expressly prohibited from so doing, depute any person by name or the person for the time being holding the office designated by him to exercise such powers or perform such duties on his behalf, subject to such conditions, exceptions and qualifications as the Minister may prescribe, and thereupon, or from the date specified by the Minister the

person so deputed shall have and exercise such powers and perform such duties subject as aforesaid;

Provided that nothing contained in this section shall authorise a Minister to depute any person to make statutory instruments under the power in that behalf conferred upon him by any law.

65. When the Governor-General considers it necessary to change the title of any public office, he shall cause a notice to that effect to be published in the *Gazette* setting out the former title and the substituted title or titles of such office, and declaring that such change of title shall take effect, or shall be deemed to have taken effect, from a date specified in such notice, and with effect from such date—

Change of title of public office.

(a) where the change in title consists in the substitution of a single title for the former title, the substituted title shall replace the former title whenever the former title appears in any Act or Ordinance or in any deed or other instrument made or issued pursuant to or consequent upon any such Act or Ordinance; and

(b) where the change in title consists in the substitution of two or more titles for the former title, the former title shall be replaced, in the provisions of any such Act, Ordinance, deed or other instrument as may be specified in such notice, by such substituted titles as may be specified in such notice.

66. Where in any law the expression "British Empire" occurs there shall be substituted therefor the expression "the Commonwealth".

"the Commonwealth" substituted for "British Empire".

67. Where by any law the Governor-General is empowered to exercise any powers or perform any duties, the Governor-General may, unless by law expressly prohibited from so doing, depute any person by name, or the person for the time being holding the office designated by him to exercise such powers or perform such duties on behalf of the Governor-General subject to such conditions, exception and qualifications, as the Governor-General may prescribe, and thereupon, or from the date specified by the

Powers of Governor-General to delegate certain powers.

Governor-General, the person so deputed shall have and exercise such powers and perform such duties, subject as aforesaid:

Provided that nothing herein contained shall authorise the Governor-General to depute any person to hear any appeal or to make statutory instruments under the power in that behalf conferred upon the Governor-General by any law.
