



**BERMUDA
1989 : 64**

COMPUTERIZATION AND REVISION OF LAWS ACT 1989

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[2 January 1990]

[preamble and words of enactment omitted]

COMPUTERIZATION AND REVISION OF LAWS ACT 1989

Short title

1 This Act may be cited as the Computerization and Revision of Laws Act 1989.

Interpretation

2 In this Act, unless the context otherwise requires—

"1971 edition" means the Revised Laws published under the authority of the Revised Laws and Annual Revision Act 1971, including all Supplements thereto published in respect of the years 1971 to 1985 inclusive and brought into force under that Act on or before 15 July 1987;

"Act" does not include a statutory instrument unless contained in a Schedule to an Act;

"active database" has the meaning assigned to it by section 4(2) and (3);

"applied laws" means United Kingdom statutes, orders in council, royal proclamations and other instruments having legislative effect in Bermuda and includes any law applied to Bermuda by such statutes, orders in council, royal proclamations or other instruments;

"database" has the meaning assigned to it by section 4(1);

"effective date" means the date specified by the Attorney-General under section 14 for the coming into operation of the version of the revised edition first issued under section 5 and any periodic update issued under section 9;

"enactment" means a statutory provision other than a statutory provision deriving from an applied law;

"graphics" means the electronic manipulation of data in the form of pictures;

"historical database" has the meaning assigned to it by section 4(2) and (3);

"Minister" means the Minister of Finance;

"revised edition" means the printed version of the laws of Bermuda prepared from time to time from the database under the authority of this Act.

[section 2 amended by 1993:35 effective 16 December 1991]

Revised Laws 1971

3 No annual supplement shall be prepared or published under the Revised Laws and Annual Revision Act 1971, in respect of the year 1986, or any subsequent year.

Stages in preparation of database

4 (1) The Attorney-General shall prepare and maintain a collection of electronically stored data ("the database") for the purposes of this Act.

(2) The database shall consist of an active part ("the active database") and a historical part ("the historical database").

(3) The active database is for storing material which is required or permitted by this Act to be held in the database as being material which is current; the historical database is for storing other material.

(4) Subject to section 10, the Attorney-General shall cause to be included in the database—

(a) all enactments and applied laws appearing in the 1971 edition; and

(b) all enactments and applied laws enacted between 1 January 1986 and 31 July 1989.

(5) The Attorney-General may cause to be included in the active database such—

(a) United Kingdom statutes, orders in council, royal proclamations or other instruments;

(b) treaties and conventions; and

(c) indexes, notes and references,

as he considers desirable to include.

(6) The Attorney-General may, if he sees fit, cause to be excluded from the database plans, drawings and designs requiring graphics.

(7) In each Act (in paragraph (b) called the "principal Act") included in the database—

(a) the word "Bermuda" followed by the year in which the Act was passed together with its number among the Acts of that year shall appear at its beginning; and

(b) when another Act or some provision thereof is incorporated in the principal Act, the year and number of that other Act shall be set out at the end of the principal Act, together with any explanatory notes which the Attorney-General may deem necessary.

(8) Where the date on which a provision of an Act came into operation differs from the date of assent the date of such coming into

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operation shall be set out in a note to the section providing for the Act to be brought into operation.

(9) Each Act, other than an amending Act or an Act incorporated in another Act, shall form a separate item and the items shall be numbered and arranged under such titles as the Attorney-General thinks fit.

(10) Nothing in subsection (5) shall derogate from subsection (4) or section 6.

Preparation and format of revised edition

5 The Attorney-General shall cause the revised edition to be prepared from the active database and thereafter published in loose leaf form.

Continual updating of active database

6 (1) Subject to section 10, the Attorney-General shall cause to be included in the active database all enactments and applied laws enacted after 31 July 1989.

(2) Where an enactment or applied law included in the active database under subsection (1) amends or repeals an enactment or applied law already in the active database the Attorney-General shall cause the active database to be altered so as to reflect that amendment or repeal.

(3) Without derogating from section 10(1)(e), where subsection (2) applies the Attorney-General may cause the enactment or applied law included in the active database under subsection (1) to be transferred to the historical database.

(4) That which is to be done under this section is in this Act referred to as the continual updating of the active database.

Access to active database

7 The Minister may make available for sale to the public—

- (a) a version of the active database; and
- (b) a subscription service providing its subscribers with online access to updated material in the active database so that such service shall at all times be up to date.

Publication of revised edition

8 (1) The Minister shall make available for sale to the public—

- (a) complete sets of the revised edition (but only while stocks of it and any reprint thereof sanctioned by the Minister shall remain);

- (b) issues of new and replacement pages;
- (c) extra binders.

(2) The Minister may make available for sale to the public on request photocopies or computer generated print-outs of separate items of the revised edition or any page of such an item.

Periodic updating of revised edition

9 (1) The Attorney-General shall cause to be published as often as he shall see fit an issue of new and replacement pages of the revised edition which pages shall on the most up to date basis consistent with publication of the new and replacement pages reflect the current state of the active database in relation to those pages.

(2) In this Act, that which is done under subsection (1) is referred to as the periodic updating of the revised edition, and the product is referred to as a periodic update; and "updated" in subsection (4) has a corresponding meaning.

(3) Every notice published under subsection (2) of section 14 in relation to a periodic update, and every new or replacement page contained in a periodic update published under subsection (1) of this section, shall specify the revision date of that update.

(4) In this section the expression "revision date", in relation to a periodic update, means the date to which the law has been updated by that update.

(5) Subsection (3) does not apply in relation to any periodic update with a revision date earlier than 1st August 1992.

[section 9 amended by 1993:35 effective 13 July 1993]

Power of Attorney-General to omit

- 10 (1) The Attorney-General may omit from the active database—
- (a) enactments, or parts of enactments, which have been repealed or which have expired or have become spent or have had their effect;
 - (b) repealing provisions contained in enactments and tables and lists of repealed enactments, whether contained in schedules or otherwise;
 - (c) preambles to Acts where such omissions can in the opinion of the Attorney-General conveniently be made;
 - (d) provisions prescribing the date when or manner in which an enactment or part of an enactment is to come

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into operation, where such omission can, in the opinion of the Attorney-General, conveniently be made;

(e) amending enactments or parts thereof, where the amendments effected thereby have been embodied by the Attorney-General in the enactment to which they relate; and

(f) words of enactment.

(2) Any enactment or part thereof omitted from the active database in exercise of the powers conferred by subsection (1) which as a result of the exercise of such powers does not appear in the revised edition may be proved by the production of any copy thereof by which the same could have been proved before the effective date.

(3) Any enactment or part thereof referred to in subsection (2) may be included in the historical database.

(4) It shall not be necessary for the Attorney-General to include in the database—

(a) private Acts;

(b) appropriation Acts;

(c) the Acts specified in Schedule 1;

(d) Acts conferring pensions or gratuities on individual persons;

(e) any Acts which are of a temporary nature or under revision;

(f) any Acts the carrying into effect of whose provisions is doubtful;

(g) any statutory instrument made under any Acts referred to in paragraph (e) or (f); or

(h) any statutory instrument which does not appear to the Attorney-General to be of sufficient importance to be included.

Power of Attorney-General to revise

11 Subject to section 13 the Attorney-General may in the active database and in the revised edition first issued under section 5 or any periodic update issued under section 9—

(a) consolidate into one enactment any two or more enactments in *pari materia* making the alterations thereby rendered necessary and affixing thereto such date as may seem most convenient;

- (b) alter the form or arrangement of any enactment by transferring words, by combining it in whole or in part with another enactment or other enactments or by dividing it into two or more parts or transferring the whole or any part thereof to a schedule;
- (c) divide enactments whether consolidated or not into parts or divisions;
- (d) transfer any provision contained in an enactment from that enactment to any other enactment to which it more properly belongs;
- (e) add a short title to any Act which may require it or to alter the short title of any Act;
- (f) arrange the enactments, whether consolidated or not, in any group or sequence that may be convenient irrespective of the date of enactment;
- (g) supply or alter marginal notes and alter their position;
- (h) correct cross-references;
- (i) shorten and simplify the phraseology of any enactment;
- (j) correct grammatical and typographical errors in the existing copies of enactments and for that purpose make verbal additions, omissions or alterations not affecting the meaning of any enactment;
- (k) make such formal alterations as to names, localities, offices and otherwise as may be necessary to bring any enactment into conformity with the circumstances in Bermuda;
- (l) make such adaptations of or amendments in any enactments as may appear to be necessary or proper as a consequence of any change in—
 - (i) the constitution of Bermuda or any country in the Commonwealth; or
 - (ii) the membership of the Commonwealth; or
 - (iii) the circumstances of Bermuda or the Government or the public service;
- (m) supply, alter or omit headings;
- (n) do all things relating to form and method which appear to be necessary for the perfecting of the active database or the revised edition.

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Applied laws, treaties and conventions

12 When any applied law or anything referred to in section 4(5) is included in the database it may be reproduced with such amendments as have been made thereto, and where any applied law has been applied or extended to Bermuda with modifications the provisions of that applied law may be reproduced with those modifications, but every departure from the body of the original text shall be clearly shown by notes, references, underlining, square brackets, contrasting type or other similar means.

No power to make amendments of substance

13 (1) Nothing in this Act shall be taken to imply any power in the Attorney-General to make any alterations or amendment in the matter or substance of any enactment.

(2) No enactment or applied law omitted, under the authority of this Act or otherwise, from the revised edition shall be deemed to be without force and validity by reason only of the fact that it is so omitted.

(3) Without prejudice to sections 15 and 20, the powers conferred upon the Attorney-General by paragraphs (i) and (j) of section 11 shall not be exercisable on or after 1st January 1991.

Bringing first revised edition and periodic updates into operation

14 (1) The version of the revised edition first issued under section 5 and any periodic update issued under section 9 are texts to which this section applies.

(2) The Attorney-General may by notice published in the Gazette order that a text to which this section applies shall come into operation on such date as the notice specifies.

(3) Subject to this Act, a text in relation to which a notice has been published under subsection (2) shall from the date specified in the notice be deemed in all courts and for all purposes whatsoever to be, without any question whatsoever, the sole and proper law of Bermuda in respect of the enactments included in that text.

(4) A notice under subsection (2) is subject to the negative resolution procedure.

[section 14 repealed and substituted by 1991:100 effective 16 December 1991]

Directions for rectification of errors

15 For the purpose of rectifying any clerical or printing error appearing in the revised edition or in any periodic update or for the purpose of rectifying, in a manner not inconsistent with his powers under this Act, any other error so appearing, the Attorney-General may from time to time, by notice published in the Gazette, give directions as to the rectification of any such error.

Tables and indexes

16 The Attorney-General shall, as soon as practicable after the publication of the version of the revised edition first issued under section 5 cause to be published in a subsequent issue of new pages of the revised edition—

- (a) a list of the titles of all unrepealed Acts;
- (b) such additional material as he may consider appropriate to facilitate reference to the revised edition.

References to enactments affected by operation of this Act

17 Where in any enactment, or in any instrument or document of whatever kind, any reference is made to any provision of any enactment affected by or under the operation of this Act, the reference shall, where necessary and practicable, be construed as a reference to the corresponding provision in the revised edition.

Schedule of amendments

18 (1) Each Act the short title of which is set out as a heading to Part I or II of Schedule 2 is amended in the manner specified in that Part.

(2) Each enactment affected by Part III of Schedule 2 is amended in the manner specified in that Part.

Expenditure

19 The expenses of and incidental to the preparation and production of the database and the revised edition and the continual or periodic updating of them shall be paid out of funds provided by the Legislature.

Correction of errors

20 (1) The Attorney-General shall cause any errors in the database to be corrected as promptly as possible.

(2) Subject to subsection (3), where such errors have been carried into the revised edition the Attorney-General shall cause to be published a replacement of the pages affected by the errors.

(3) Where subsection (2) applies but such errors do not in the opinion of the Attorney-General justify the publishing of a replacement of a page or pages he may in lieu thereof publish a correction notice in the Gazette.

(4) Where subsection (3) applies the Gazette notice takes effect immediately upon publication.

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SCHEDULE 1 [section 10(4)(c)]

Acts included in the 1971 edition omitted from database

Title 7	Item 1	War Department Land Act 1904
Title 7	Item 2	Admiralty Land Act 1915
Title 7	Item 5	Warlike Experiments Act 1878
Title 9	Item 38	Pensions (Increase) Act 1970
Title 14	Item 2	Treasury Advances Act 1931
Title 19	Item 5A	Road Closure (Secretary Road) Act 1984
Title 19	Item 12	Foot of the Lane Exchange of Lands Act 1939
Title 20	Item 1A	Stonington (Special Planning Provision) Act 1978
Title 20	Item 1B	Fort Langton (Special Planning Provision) Act 1983
Title 20	Item 1C	Tynes Bay (Special Planning Provision) Act 1984
Title 20	Item 1D	Ireland Island North (Special Planning Provision) Act 1985

**SCHEDULE 2
PART I**

[section 18]

The Interpretation Act 1951

(1) In section 5 for the definition of "United Kingdom" substitute—

" "United Kingdom" means—

(a) the United Kingdom of Great Britain and Northern Ireland; or

(b) when used with reference to citizenship or nationality, Great Britain, Northern Ireland, the Channel Islands and the Isle of Man;".

(2) For section 6 substitute—

"6 (1) In any Act or statutory instrument "Commonwealth" means collectively —

(a) the United Kingdom;

(b) the Channel Islands;

(c) the Isle of Man;

(d) Antigua and Barbuda; Australia; The Bahamas; Bangladesh; Barbados; Belize; Botswana; Brunei; Canada; Republic of Cyprus; Dominica; The Gambia; Ghana; Grenada; Guyana; India; Jamaica; Kenya; Kiribati; Lesotho; Malawi; Malaysia; Maldives; Malta; Mauritius; Nauru; New Zealand; Nigeria; Pakistan; Papua New Guinea; Saint Christopher and Nevis; Saint Lucia; Saint Vincent and the Grenadines; Seychelles; Sierra Leone; Singapore; Solomon Islands; Sri Lanka; Swaziland; Tanzania; Tonga; Trinidad and Tobago; Tuvalu; Uganda; Vanuatu; Western Samoa; Zambia; Zimbabwe;

(e) Anguilla; Bermuda; British Antarctic Territory; British Indian Ocean Territory; Cayman Islands; Falkland Islands and Dependencies; Gibraltar; Hong Kong; Montserrat; Pitcairn, Henderson, Ducie and Oeno Islands; St Helena and

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Dependencies; The Sovereign Base Areas of Akrotiri and Dhekelia (that is to say the areas mentioned in section 2(1) of the Cyprus Act 1960); Turks and Caicos Islands; Virgin Islands.

(2) In any Act or statutory instrument "Commonwealth country" means a country specified in subsection (1)."

(3) In section 7(1)—

(a) for the definition of "alien" substitute—

" "alien" means a person who is neither a Commonwealth citizen nor a British protected person nor a citizen of the Republic of Ireland;"

(b) for the definition of "British subject" substitute—

" "British citizen" means a person who has the status of a British citizen under the British Nationality Act 1981;

"British Dependent Territories citizen" means a person who has the status of a British Dependent Territories citizen under the British Nationality Act 1981;

"British Overseas citizen" means a person who has the status of a British Overseas citizen under the British Nationality Act 1981;

"British protected person" means a person who has the status of a British protected person under the British Nationality Act 1981;

"British subject" means a person who has the status of a British subject under the British Nationality Act 1981;

"Commonwealth citizen" means a person who has the status of a Commonwealth citizen under the British Nationality Act 1981;"

(4) After section 19 insert new sections—

"Citation of United Kingdom statutes

19A United Kingdom legislation may be cited by a short title or citation, if any, or by reference to the regnal or calendar year in which it was passed or by the number assigned to any statutory instrument or statutory rule and order.

Construction of reference to United Kingdom legislation

19B A reference in any enactment to particular United Kingdom legislation or to any provision, part or division thereof shall be construed as a reference to the same as the same may be from time to time amended and as a reference to the particular United Kingdom legislation or to any provision, part or division thereof substituted therefor."

PART II

The Evidence Act 1905

In section 2 delete the words India, Pakistan, Ceylon and Southern Rhodesia.

PART III

In any enactment where the context so requires for "British subject" substitute "Commonwealth citizen".

[Amended by

1991 100

1993 35]