
CHAPTER 3**LAW REFORM AND REVISION**

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CHAPTER 3

LAW REFORM AND REVISION

An Act to provide for the reform of the laws and for the revision of the laws of The Bahamas, and for matters incidental thereto or connected therewith.

*[Assent 12th September, 1975]
[Commencement 2nd October, 1975]*

*20 cf 1975
10 cf 2002
SI 17/2003
SI 18/2003
SI 19/2003
SI 20/2003
SI 21/2003
4 cf 2007
SI 39/2007
SI 49/2009*

PART I PRELIMINARY

1. This Act may be cited as the Law Reform and Revision Act. Short title.
2. In this Act, unless the context otherwise requires — Interpretation.
 - “Commission” means the Law Reform and Revision Commission appointed under section 3;
 - “the 1929 Edition” means the revised edition of the laws of the former Colony of the Bahama Islands prepared under the authority of the Statute Law Revised Edition Act, numbered 21 of 1921, as amended, that appears as Chapter 2 of the 1929 Edition;
 - “the 1957 Edition” means the revised edition of the statute law of the former Colony of the Bahama Islands prepared under the authority of the Statute Law Revised Edition Act, 1957;
 - “the 1965 Edition” means the revised edition of the statute law of the former Colony of the Bahama Islands prepared under the authority of the Revised Edition of the Laws Act, 1964;
 - “Minister” means the Minister responsible for Law Reform and Revision;
 - “revised edition of the statute law” means a revised edition of the statute law of The Bahamas prepared under the provisions of this Act;
 - “revised edition of subsidiary legislation” means the revised edition of proclamations, rules, orders, regulations, bye-laws, and other forms of

subsidiary legislation, prepared under the provisions of this Act;

“Supplement” means the Supplement to a revised edition of the statute law prepared under the provisions of section 11.

PART II THE LAW REFORM AND REVISION COMMISSION

The Law Reform and Revision Commission.

3. (1) For the purpose of promoting the reform of the law and the revision of the law from time to time there shall be constituted in accordance with this section a Commission, to be known as the Law Reform and Revision Commission, consisting of one or more persons appointed by the Governor-General.

(2) A person appointed to be a Commissioner shall be a person appearing to the Governor-General to be suitably qualified by the holding of, or by having held, judicial office or by experience as a legal practitioner or as a teacher of law in a university.

(3) A person appointed to be a Commissioner shall be appointed for such period, not exceeding five years, and on such terms and conditions (including remuneration) as may be determined by the Governor-General at the time of his appointment.

(4) A Commissioner may at any time resign his office and a person who ceases to be a Commissioner shall be eligible for re-appointment.

Law Reform

Functions of the Commission as regards law reform.

4. It shall be the duty of the Commission to keep under review all the law applicable to The Bahamas with a view to its systematic development and reform, including in particular the codification of such law, the elimination of anomalies, the repeal of obsolete and unnecessary enactments, the reduction of the number of separate enactments and generally the simplification and modernisation of the law and for that purpose —

(a) to receive and consider any proposals for the reform of the law which may be made or referred to them;

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- (b) to prepare and submit to the Minister from time to time programmes for the examination of different branches of the law with a view to reform, including recommendations as to whether such examination should be carried out by the Commission or some other body;
 - (c) to undertake, pursuant to any such recommendations approved by the Minister, the examination of particular branches of the law and the formulation, by means of draft Bills or otherwise, of proposals for reform therein;
 - (d) to provide at the instance of the Minister advice and information to Ministries and departments of the Government and other authorities or persons concerned with proposals for the amendment or reform of any branch of the law;
 - (e) to obtain such information as to the laws and legal systems of other countries as appears to the Commission likely to facilitate the performance of any of its functions.

5. The Commission shall make an annual report of its proceedings in respect of law reform to the Minister and the Minister shall cause the report to be laid before Parliament with such comments, if any, as he thinks fit.

Commission to make annual report.

Law Revision

- 6. (1) It shall be the duty of the Commission to —
 - (a) prepare, at such times as the Governor-General may by Order direct, but not more often than once in every five years, a revised edition of the statute law and a revised edition of the subsidiary legislation;
 - (b) make arrangements for the printing and publication thereof; and
 - (c) perform such other duties as are provided for in this Part.

Functions of Commission as regards law revision.

(2) In the exercise of its functions in respect of law revision, the Commission shall be subject to the direction and control of the Minister and shall act in accordance with any direction of the Minister.

Inclusion or removal of pages to be authorised by Order.

10 cf 2002, s 2
4 cf 2007, s 2

6A. (1) The Minister shall by Order (“Law Revision Order”) authorise the inclusion in the Laws of every page to be comprised therein, and every page so authorised and no other, shall form part of the Laws and an Order under this subsection may provide that the page shall be included in the Laws as from a particular date or as from a date to be prescribed by a subsequent Order.¹

(2) The Minister may by Order direct the removal of any page from the laws and any page so directed to be removed shall cease to form part of the Laws.

(3) Every page comprised in the Laws shall bear on its face or overleaf a reference to the Law Revision Order by which its inclusion therein is authorised.

(4) In this section “the Laws” means any loose-leaf edition of the Statute Law and Subsidiary Legislation of The Bahamas.

4 cf 2007, s 2

(5) Every page to be included pursuant to subsection (1) shall incorporate any amendments made to the laws subsequent to the last revised edition of the laws and Supplement and for the purpose of effecting that incorporation, the Commission may exercise any of the powers set out in section 7, other than in paragraphs (b), (g), (h) and (p).

Powers of the Commission in respect of the preparation of a revised edition of the statute law.

7. In the preparation of a revised edition of the statute law the Commission shall have the following powers, that is to say —

- (a) to omit —
 - (i) all Acts or parts of Acts which have been expressly, specifically or impliedly repealed or which have expired or have become spent or have had their effect;
 - (ii) all repealing enactments contained in Acts and also all tables and lists of repealed enactments, whether contained in Schedules or otherwise;
 - (iii) all preambles to Acts where such omissions can, in the opinion of the Commission, be conveniently made;

¹ By S.I. 19/2003 the 2000 Revised Edition of the Statute Law, updated to 2nd April 2002, was from 28th March 2003 specified to include those pages specified in the Order, By S.I. 39/2007 the 2000 Revised Edition of the Statute Law, updated to 31st December 2004, was from 7th May 2007 specified to include those pages specified in the Order, By S.I. 49/2009 the 2000 Revised Edition of the Statute Law, updated to 31st December 2007, was from 20th April 2009 specified to include those pages specified in the Order.

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- (iv) all words of enactment in any Act or section of an Act;
 - (v) all enactments prescribing the date when, or the manner in which an Act or part of an Act is to come into force, where such omission can in the opinion of the Commission, conveniently be made;
 - (vi) all amending Acts or parts thereof where the amendments effected thereby have been embodied by the Commission in the Acts to which they relate;
 - (vii) Appropriation Acts, Supplementary Appropriation Acts, and any Act of a temporary nature where such omission can, in the opinion of the Commission, conveniently be made;
 - (viii) transitional provisions relating to the vesting or transfer of assets and liabilities or enactments providing for the continuation in force of existing regulations and other instruments or the validation thereof;
 - (ix) any provision in any Act which provides that any regulations or other forms of subsidiary legislation shall be read and construed with such adaptations and modifications as are necessary to bring them into conformity with the provisions of such Act or any other Act which such Act amends;
- (b) to consolidate into one Act any two or more Acts *in pari materia*, making the alterations thereby rendered necessary in the consolidated Act, and affixing if necessary such date thereto as may seem most convenient;
 - (c) to alter the order of sections, subsections or paragraphs in, or schedules to, any Act and, in any case where it is necessary to do so to renumber the sections, subsections, paragraphs or schedules;
 - (d) to alter the form or arrangements of any section of any Act, either by combining it in whole or in part with another section or other sections, or by dividing it into two or more sections or parts of a section, or by transposing words;

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- (e) to alter the form or arrangements of any schedule to any Act, either by combining it in whole or in part with another schedule or other schedules, or by dividing it into two or more schedules or parts of a schedule, or by transposing words;
 - (f) to alter the form or arrangement of any Act by setting out any section or part of a section as a schedule to that Act or by transferring any section or part to an existing schedule to that Act, and to number new schedules;
 - (g) to divide any Act, whether consolidated or not, into parts and other divisions and to give to each such part or division a suitable heading;
 - (h) to transfer any provision contained in any Act from that Act to any other Act to which it more properly belongs;
 - (i) to add a short title to any Act which may require it, and, if necessary, to alter the short title of any Act;
 - (j) to supply or alter marginal notes, headings or subheadings to sections of any Act;
 - (k) to correct cross-references;
 - (l) to shorten or simplify the phraseology of any Act;
 - (m) to correct grammatical and typographical errors in the existing copies of Acts, and for that purpose to make verbal additions or alterations not affecting the meaning of any Act;
 - (n) to make such adaptations of or amendments to any Act as appear to be necessary or proper as a consequence of any change in the constitution of any Commonwealth country or the composition of the Commonwealth;
 - (o) to make such formal alterations as to names, localities, offices, titles and ranks and otherwise as may be necessary to bring any Act into conformity with the circumstances of The Bahamas;
 - (p) to do all things relating to form and method which may be necessary for the perfecting of a revised edition.

Limitation of
Commission's
powers.

8. (1) Save as otherwise provided, nothing in this part shall be taken to imply any power in the Commission

to make any alteration or amendment in the matter or substance of any Act.

(2) If the Commission considers it desirable in the preparation of a revised edition of the statute law that there should be omissions, amendments or additions other than those authorised by section 7, the same may be collected and submitted to Parliament in the form of one or more Bills.

9. It shall not be necessary for the Commission to include in a revised edition of the statute law —

Acts or parts of Acts may be omitted and shall continue in force.

- (a) any Acts which the Minister may by Order specify;¹
- (b) any Act containing only special provision in relation to the pension of any person named therein.

Provided that the said Acts shall remain in force until the same shall have been repealed or shall have expired or become spent or had their effect.

10. (1) A revised edition of the statute law shall be printed in one or more volumes or in such other form as the Commission may determine, which shall, subject to the provisions of this Part, contain —

Contents of a revised edition of the statute law.

- (a) the Constitution of The Bahamas;
- (b) all Acts of The Bahamas (except such Acts as the Commission has power to omit under the authority of this Part);
- (c) such Acts of the United Kingdom applying to The Bahamas as the Commission deems appropriate to include.

(2) Subject to the other provisions of this Part, each Act shall form a separate chapter and chapters shall be numbered consecutively and arranged under such titles as the Commission may determine.

(3) The number and year of the principal Act and of any amending Acts shall be set out in the margin at the commencement of each chapter.

(4) The date on which the principal Act came into force shall be set out immediately below the title of the Act and, in the case of Acts of a limited duration, the date on which the Act is due to expire, unless it is renewed.

¹ By S.I. 20/2003 the Acts to be omitted from the 2000 Revised Edition of the Statute Law, updated to 2nd April 2002, were specified.

Certain Acts to be printed in a separate volume as a supplement to a revised edition.

11. The Commission may cause to be printed in a separate volume as a supplement to a revised edition of the statute law such of the Acts as —

- (a) were omitted from the 1929 Edition; or
- (b) were omitted from the 1957 Edition; or
- (c) were omitted from the 1965 Edition; or
- (d) are included in any Order made by the Minister under section 9,

as it may think fit, and any such volume may contain such tables and indexes as the Commission may deem appropriate.

Bringing a revised edition of the statute law into force.

12. (1) The Commission shall, as soon as a revised edition of the statute law and the supplement thereto are completed, transmit copies thereof to the Minister who shall cause the same to be laid before the House of Assembly.

(2) Upon the passing of a resolution of the House of Assembly authorising him so to do, the Governor-General may by Order direct that the relevant revised edition of the statute law shall come into force from such date as he may appoint.²

Validity of a revised edition of the statute law.
4 cf 2007, s 2

13. (1) Without prejudice to section 6A(1), from the date named in an Order made under section 12 the relevant revised edition of the statute law and the supplement thereto shall be deemed to be and shall be in all courts and for all purposes whatsoever, the sole and proper version of the Acts contained therein.

(2) Any Act or part thereof passed before the coming into force of a revised edition of the statute law and the supplement thereto but not inserted therein may be in any court or on any occasion referred to —

- (a) for the purposes of construing or interpreting any contract or agreement or other document or any rule in which such Act or any part thereof is cited or referred to or incorporated by reference;
- (b) for the purposes of construing or interpreting any Act contained in a revised edition of the statute law or the supplement thereto;
- (c) if it has not been repealed or its provisions have not been incorporated in a revised edition of the statute law or the supplement thereto, for the

² By S.I. 17/2003 the 2000 Revised Edition of the Statute Law, updated to the 2nd April 2002, was brought into force on the 28th March 2003.

purpose of showing what the law is on the subject with which it deals:

Provided that where any provision of any Act contained in a revised edition of the statute law or the supplement thereto is inconsistent with any enactment passed as aforesaid but not contained therein, such enactment shall be deemed to have been repealed.

14. All proclamations, rules, orders, regulations, bye-laws and other forms of subsidiary legislation made under any Act included in a revised edition of the statute law, and in force at the date when that revised edition comes into force, shall continue in force until otherwise provided; and any reference in any such proclamation, rule, order, regulation, bye-law, or other form of subsidiary legislation, to the Act under which it is made, or to any part thereof, or to any other enactment, shall, where necessary and practicable, be construed as a reference to the corresponding provision in the relevant revised edition of the statute law.

Saving of existing subsidiary legislation.

15. (1) In the preparation of a revised edition of subsidiary legislation, the Commission shall have the like powers *mutatis mutandis* to do all things as are conferred upon it by this Part in respect of a revised edition of the statute law.

Revised edition of subsidiary legislation.

(2) A revised edition of subsidiary legislation may contain a reprint of such Orders in Council, Letters Patent, proclamations, rules, orders, regulations and other forms of subsidiary legislation made in the United Kingdom and having effect as part of the law in force in The Bahamas.

16. The Commission shall omit from a revised edition of subsidiary legislation such subsidiary legislation as the Minister may by Order specify.³

Omission of certain subsidiary legislation from a revised edition.

Provided that, anything in this Act to the contrary notwithstanding, the said subsidiary legislation shall remain in force until the same shall have been expressly cancelled or shall have expired or become spent or had effect.

³ By S.I. 21/2003 the Subsidiary Legislation to be omitted from the 2000 Revised Edition of the Subsidiary Legislation, updated to the 2nd April 2002, was specified and declared to continue in force.

Bringing revised edition of subsidiary legislation into force.

4 cf 2007, s 2

17. (1) The Governor-General may by Order declare that a revised edition of subsidiary legislation shall come into force on such date as he may think fit.⁴

(2) Without prejudice to section 6A(1), from the date named in the said Order the relevant revised edition of subsidiary legislation shall be deemed to be and shall be without any question whatsoever in all courts and for all purposes whatsoever the sole and only authentic edition of the subsidiary legislation of The Bahamas contained therein.

(3) Any subsidiary legislation passed before the coming into force of a revised edition of subsidiary legislation but not inserted therein may be in any court or on any occasion referred to —

- (a) for the purposes of construing or interpreting any contract, agreement or other document or any rule in which such subsidiary legislation or part thereof is cited or referred to or incorporated by reference;
- (b) for the purposes of construing or interpreting any subsidiary legislation contained in a revised edition of subsidiary legislation;
- (c) if it has not been revoked or its provisions have not been incorporated in a revised edition of subsidiary legislation, for the purpose of showing what the law is on the subject with which it deals:

Provided that, where any provision of any subsidiary legislation contained in a revised edition of subsidiary legislation is inconsistent with any subsidiary legislation passed as aforesaid but not contained therein such subsidiary legislation passed as aforesaid shall be deemed to have been revoked.

Construction of reference to repealed or amended enactments.

18. Wherever in any enactment or in any document of whatever kind, any reference is made to 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 enactment in the most recent revised edition of the statute law or the most recent revised edition of subsidiary legislation.

Copies to be signed and deposited.

19. (1) One copy of each volume of a revised edition of the statute law, the supplement thereto and a

⁴ By S.I. 18/2003 the 2000 Revised Edition of the Subsidiary Legislation, updated to the 2nd April 2002, was brought into force on the 28th March 2003.

revised edition of subsidiary legislation shall be dated and signed by the Commission, the Minister and by the Governor-General and shall be sealed with the Public Seal.

(2) Such copy shall be transmitted to the Registrar of the Supreme Court who shall deposit the same among the records of the Supreme Court.

20. (1) Copies of a revised edition of the statute law, the supplement thereto and a revised edition of subsidiary legislation shall be distributed among such persons, ministries, departments, and authorities as the Minister may direct.

Distribution of
copies of Revised
Edition.

(2) There shall be offered to the public such number of copies at such price as the Minister may direct.

PART III MISCELLANEOUS

21. The expenses of and incidental to the carrying out of the provisions of this Act shall be paid from such moneys as may be provided by Parliament for that purpose.

Expenses.