

LAW REVISION AND LAW REFORM ACT, 2019–6

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BARBADOS

I assent
S. MASON
Governor-General
12th February, 2019.

2019–6

An Act to make new provision for law revision and law reform and provide for related matters.

[Commencement: by Proclamation]

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Law Revision and Law Reform Act, 2019*.

Interpretation

2. In this Act,

“consolidation” means the incorporation of amendments to an enactment into the principal enactment by the Law Revision Commissioner;

“Cumulative Edition” means the revised edition as consolidated and revised from time to time by the Law Revision Commissioner in accordance with section 4(b);

“database” means the relevant database of the Laws of Barbados established under section 5;

“existing Cumulative Edition” means

(a) in the case of statutes, the 1971 revised edition of the statutes of Barbados; and

(b) in the case of subsidiary legislation, the 1978 revised edition of the subsidiary legislation of Barbados

as revised and in force under the former Act immediately before the commencement of this Act;

“law” means an enactment;

“Laws of Barbados” means the Acts and subsidiary legislation of Barbados as revised and consolidated by the Law Revision Commissioner;

“Law Reform Commission” means the Commission established under section 29;

“Law Reform Commissioner” means a Commissioner appointed under section 29;

“Law Revision Commissioner” means the person appointed under section 3;

“revised edition” means any edition of the revised Laws of Barbados prepared under section 4(a).

PART II

LAW REVISION

Appointment of a Law Revision Commissioner

- 3.(1) There shall be a Law Revision Commissioner who
- (a) shall be an attorney-at-law of not less than 10 years standing; and
 - (b) shall have not less than 7 years experience as a legislative drafter.
- (2) The post of Law Revision Commissioner shall be established in accordance with the *Public Service Act*, Cap. 29.
- (3) The Law Revision Commissioner shall be assisted by such staff, appointed in accordance with subsection (4), as is required for the purpose of carrying out the functions of the Commissioner under this Act.
- (4) The offices of the staff required for the purposes of subsection (3) shall be established in accordance with the *Public Service Act*, Cap. 29.

Responsibilities of the Law Revision Commissioner

4. The Law Revision Commissioner shall
- (a) be responsible for preparing and publishing a revised edition of the Laws of Barbados where a revised edition is required;

- (b) be responsible for maintaining the Cumulative Edition by revising and consolidating the laws at any interval which the Commissioner considers to be appropriate;
- (c) be responsible for updating the databases established pursuant to section 5(2); and
- (d) perform such other duties as are provided for in this Act.

Preparation of electronic databases

5.(1) The Law Revision Commissioner shall be responsible for establishing the following electronic databases:

- (a) a database of the existing Cumulative Edition;
- (b) a database of any revised edition prepared after the commencement of this Act;
- (c) a database of annual laws commencing from any period as is appropriate;
- (d) a database of omitted laws; and
- (e) a database of repealed laws commencing from any period as is appropriate.

(2) The Law Revision Commissioner shall maintain and update the databases referred to in subsection (1).

(3) The Law Revision Commissioner may publish the revised edition, the Cumulative Edition or any of the databases prepared under subsection (1) on the Internet or in any other electronic format.

(4) The Law Revision Commissioner shall be responsible for the protection of the databases and shall put such measures in place as are necessary for the protection of the databases.

Powers exercisable by the Law Revision Commissioner in maintaining the Cumulative Edition

6.(1) For the purposes of maintaining the Cumulative Edition under section 4(*b*), the Law Revision Commissioner may

- (*a*) establish such tables, indices and lists as the Commissioner thinks appropriate;
- (*b*) make such modifications as the Commissioner sees fit to
 - (i) the table of contents;
 - (ii) the chronological table of Acts;
 - (iii) any other existing table; or
 - (iv) any index;
- (*c*) reorganize the Cumulative Edition in any sequence or group as the Commissioner sees fit;
- (*d*) alter any sequence or group in which the Cumulative Edition has been arranged, including the removal of any law from a sequence or group;
- (*e*) assign new chapter numbers to the laws in the Cumulative Edition as considered appropriate by the Commissioner; or
- (*f*) transfer any law contained in any Volume or Title of the Cumulative Edition to any other Volume or Title to which, in the opinion of the Commissioner, it more properly belongs.

(2) For the purposes of printed copies of the Cumulative Edition, the Law Revision Commissioner shall prepare appropriate instructions with regard to the laws which are to be removed or inserted in the Edition.

(3) The Law Revision Commissioner shall annotate the Laws of Barbados by means of historical or explanatory notes or in any other manner that the Commissioner considers appropriate for the purpose of indicating to users that a provision in a law has been consolidated or revised.

General powers exercisable by the Law Revision Commissioner

7. Subject to section 8, the Law Revision Commissioner shall have the following powers for the purposes of preparing a revised edition or maintaining the Cumulative Edition:

- (a) to consolidate the laws by incorporating into any law the amendments made to it by any other law;
- (b) to consolidate into one law any two or more laws *in pari materia*, or to divide into two or more laws, any law the provisions of which are not *in pari materia*, and
 - (i) making such alterations as in the opinion of the Law Revision Commissioner are necessary in the consolidated or, as the case may be, the separated laws; and
 - (ii) assigning to any altered or separated law referred to in subparagraph (i), such date as he thinks proper;
- (c) to alter the order of sections in any law and, where he thinks it necessary to do so, to renumber the sections of any law;
- (d) to alter the form or arrangement of any section of any law
 - (i) by combining it in whole or in part with another section or other sections;
 - (ii) by dividing it into two or more subsections; or
 - (iii) by transposing words;
- (e) to divide any law, whether consolidated or not, into parts or other divisions and to give to each such part or division a suitable heading;
- (f) to transfer any provision contained in any law from that law to any other law to which, in the opinion of the Law Revision Commissioner, it more properly belongs;

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- (g) to add a short title or citation to any law which, in the opinion of the Law Revision Commissioner, requires it and, if in his opinion it is necessary, to alter the long title, short title or citation of any law;
 - (h) to clarify the language of any provision of any law appearing to the Law Revision Commissioner to require such clarification;
 - (i) to shorten and simplify the phraseology of any enactment;
 - (j) to make such changes in any law as are required to reconcile seemingly inconsistent enactments;
 - (k) to frame and insert in any law, definitions of words and phrases used therein and to substitute for definitions of words or phrases used in any law, such other definitions as appear to the Law Revision Commissioner to be more appropriate;
 - (l) to correct grammatical, typographical and other like mistakes and omissions in the existing copies of laws and for that purpose, to make verbal additions, omissions or alterations not affecting the meaning of any law;
 - (m) to supply or alter marginal notes or shoulder notes, as the case may be, and tables showing the arrangement of sections;
 - (n) to correct cross-references in any law;
 - (o) to correct the punctuation in any law;
 - (p) to provide footnotes, explanatory notes or any other notes by way of amplification;
 - (q) to make formal alterations as to names, localities, offices, titles and otherwise as are necessary to bring the laws into conformity with the circumstances of Barbados;
 - (r) to make such formal alterations to any law as are necessary for the purpose of securing uniformity of expression or style in the Laws of Barbados;

- (s) to rectify any error appearing in any law subject to the provisions of this Act;
- (t) to make adaptations or alterations to any law as appears to the Law Revision Commissioner to be necessary or proper as a consequence of
 - (i) any change in the *Constitution*;
 - (ii) any changes to Her Majesty's dominions; or
 - (iii) any change to any member of the Commonwealth or in the composition of the Commonwealth;
- (u) to do all such things relating to form and method as appears to the Law Revision Commissioner to be necessary for the perfecting of the Laws of Barbados.

Rectification of errors in laws

8.(1) Subject to section 10, where any error in a law comes to the attention of the Law Revision Commissioner, and

- (a) the Commissioner is of the view that the error is a minor one, the Commissioner shall forthwith rectify the error;
 - (b) the Commissioner is of the view that the error is of significance, the Commissioner shall forthwith advise the Attorney-General of the error and the Attorney-General shall by order, to be known as a Law Revision Order, rectify the error by setting out the required amendments to the law.
- (2) An order made under subsection (1)(b) may have retrospective effect as from the date specified in the order.
- (3) Where an order is made under subsection (1)(b), the Law Revision Commissioner shall make an appropriate note in the law to indicate that a change has been made to the law.

Rectification of errors in laws before consolidation

9.(1) Subject to section 10, where any error in a law comes to the attention of the Law Revision Commissioner before that law is consolidated, and

- (a) the Commissioner is of the view that the error is a minor one, the Commissioner shall rectify the error; or
- (b) the Commissioner is of the view that the error is of significance, the Commissioner may by notice to be known as a Law Revision Notice, rectify the error by setting out the required amendments to the law.

(2) A notice given under subsection (1) may have retrospective effect as from the date specified in the notice.

(3) Where a notice is given under subsection (1)(b), the Law Revision Commissioner shall, after consolidating the law, make an appropriate note in the law to indicate that a change was made to the law by a Law Revision Notice.

No power to make alterations of substance

10. Nothing in this Act shall empower the Law Revision Commissioner to make any alteration or amendment in the substance or otherwise affecting the meaning of any law or provision of any law.

Bill to be drafted to correct errors of substance

11.(1) Notwithstanding section 10, where in any case it appears necessary to the Law Revision Commissioner to alter the substance of any law, the Commissioner shall draft a Bill setting out the alterations and amendments.

(2) Every Bill drafted pursuant to subsection (1) shall, if the Attorney-General approves, be submitted to Parliament.

Revision of fees and fines

12.(1) Where a fee or a fine is prescribed in an enactment, and the Law Revision Commissioner is of the view that the fee or fine requires revising due

to the passage of time, the Commissioner shall advise the relevant ministry in writing that the fee or fine, as the case may be, should be revised.

(2) Where the Law Revision Commissioner advises the ministry pursuant to subsection (1), the ministry shall, as soon as possible, take the appropriate action to increase the fee or fine.

Powers of Law Revision Commissioner to omit provisions

13.(1) In the preparation of a revised edition and for the purposes of maintaining the Cumulative Edition, the Law Revision Commissioner may omit

- (a) all laws or provisions of laws which have been repealed expressly or by necessary implication or which have expired or have become spent;
- (b) any repealing provision in any law, and all tables or lists of repealed laws, whether contained in schedules or otherwise where an appropriate explanatory note is provided;
- (c) all preambles or parts of preambles and long titles to laws where such omission can, in the opinion of the Law Revision Commissioner, be conveniently made;
- (d) all words of enactment in any law or provision of any law;
- (e) any law prescribing the date when any law or a provision of a law is to come into force where an appropriate explanatory note is provided;
- (f) any Appropriation Act or any law that in the opinion of the Law Revision Commissioner, will within one year of its having been brought into force, have expired or become spent;
- (g) any law which in the opinion of the Law Revision Commissioner is of limited application and can conveniently be placed in the database of omitted laws.

(2) Section 29(1) of the *Interpretation Act*, Cap. 1 shall apply to expired or spent laws omitted under subsection (1)(a) as if the law omitted or the provisions of the law omitted had been repealed.

(3) Where any law is omitted in its entirety under this section, the law shall be placed in the database of omitted laws.

Saving of omitted laws

14. No law omitted from the Laws of Barbados under the authority of this Act or otherwise, shall be deemed to be without force and validity by reason only of its having been so omitted.

Bringing into force and validity of revised edition

15.(1) A revised edition or such part or parts thereof as the Attorney-General thinks fit, shall come into operation on a day to be fixed by Proclamation.

(2) Subject to sections 14 and 18, the revised edition shall be for all purposes, the sole and proper statement of the laws enacted or brought into force in Barbados prior to such day as is fixed by Proclamation under subsection (1).

Publication and printing of the Laws of Barbados

16.(1) The Law Revision Commissioner shall make such arrangements as he thinks expedient for the publication and printing of the Laws of Barbados.

(2) Every page of the Laws of Barbados referred to in subsection (1),

(a) when printed,

(i) shall bear a statement indicating that it was printed by the authority of the Government of Barbados; and

(ii) shall contain a footer with the words “Laws of Barbados”;

(b) when in electronic format, shall bear a statement indicating that it is an official version of the law, produced by the authority of the Government of Barbados.

(3) Paragraph (b) of subsection (2) does not apply to any unofficial publication of the Laws of Barbados on the Internet.

Certification of copies of laws

17.(1) If for any purpose a copy of any law contained in the Cumulative Edition is required to be certified, the Law Revision Commissioner shall insert in a copy of that law, a certificate duly authenticated by him to the effect that such copy is a true copy of that law as contained in the Cumulative Edition.

(2) Any person who

(a) prints or by electronic means produces; or

(b) tenders in evidence,

a copy of any law or a provision of any law which falsely purports to have been printed or produced under the authority of the Government of Barbados is guilty of an offence and is liable on summary conviction to a fine of \$10,000 or to imprisonment for a term of 5 years or to both.

Validity of the Laws of Barbados

18.(1) The Laws of Barbados shall be for all purposes, the sole and proper statement of the laws and shall be in all courts.

(2) The Laws of Barbados shall not be held to operate as new laws, but shall be construed and have effect as a consolidation and as declaratory of the enactments that have been revised and published therein.

(3) The Laws of Barbados shall be judicially noticed.

Construction of references where laws are repealed and replaced

19. Without prejudice to anything contained in the *Interpretation Act*, Cap. 1, a reference in any enactment to a provision of any law which by virtue of this Act has been embodied in the Laws of Barbados shall, in so far as it is applicable, be deemed to extend and apply to the corresponding provision of the Laws of Barbados.

Retention of revised edition for the purposes of record**20.(1)** The Law Revision Commissioner

- (a) shall cause 8 copies of any revised edition to be bound in volumes in a permanent form;
- (b) shall certify every volume of each copy produced under paragraph (a) to contain a true copy of the revised edition prepared by the Commissioner; and
- (c) shall deliver a copy of the revised edition to each of the following authorities:
 - (i) the Governor-General;
 - (ii) the Clerk of Parliament;
 - (iii) the Attorney-General;
 - (iv) the Law Revision Commissioner;
 - (v) the Registrar of the Supreme Court;
 - (vi) the Librarian in charge of the National Library Service;
 - (vii) the Law Librarian of the University of the West Indies;
 - (viii) the Chief Archivist.

(2) The authorities mentioned in subsection (1) shall retain the copies of the revised edition for the purpose of record.

(3) If for any purpose a copy of any law contained in the revised edition referred to in subsection (1) is required to be certified, the Clerk of Parliament or the Law Revision Commissioner shall insert in a copy of that law, a certificate duly authenticated by that particular official to the effect that such copy is a true copy of that law as contained in that revised edition.

- (4) Any person who
- (a) prints or by electronic means produces; or
 - (b) tenders in evidence,

a copy of any law or a provision of any law which falsely purports to have been certified pursuant to this section is guilty of an offence and is liable on summary conviction to a fine of \$10,000 or to imprisonment for a term of 5 years or to both.

Annual retention of hard copies of amended and repealed laws for the purposes of record

21.(1) Every year or at such other interval as the Law Revision Commissioner thinks fit, all laws which are repealed or which have been consolidated or revised by the Commissioner shall be printed and bound in a permanent manner in one or more volumes.

(2) A copy of each volume referred to in subsection (1) shall be retained by the Law Revision Commissioner and a copy submitted to each of the following authorities for the purposes of record:

- (a) the Clerk of Parliament;
- (b) the Registrar of the Supreme Court;
- (c) the Chief Archivist;
- (d) the Librarian in charge of the National Library Service;
- (e) the Law Librarian of the University of the West Indies.

(3) The copy retained by the Law Revision Commissioner and every copy submitted to the authorities under subsection (2), shall be certified by the Law Revision Commissioner to contain a true copy of the laws which were removed from the Cumulative Edition.

(4) If for any purpose a copy of any law contained in the publication referred to under subsection (1) is required to be certified, the Law Revision

Commissioner shall insert in a copy of that law, a certificate duly authenticated by him to the effect that such copy is a true copy of that law as formerly contained in the Cumulative Edition.

Copies of updated laws to be distributed

22.(1) Every year, or at such other interval as the Law Revision Commissioner may think fit, all laws which have been consolidated or revised by the Commissioner shall be submitted to the following authorities:

- (a) the Clerk of Parliament;
- (b) the Registrar of the Supreme Court;
- (c) the Director of the National Library Service;
- (d) the Law Librarian of the University of the West Indies; and
- (e) the Chief Archivist.

(2) It shall be the duty of the Law Revision Commissioner and each of the authorities referred to in subsection (1) to update on an annual basis for the benefit of users, a printed set of the laws of the Cumulative Edition by replacing the laws which have been consolidated or revised by the Commissioner with the laws submitted under subsection (1).

(3) Every year, or at such other interval as the Law Revision Commissioner may think fit, the Law Revision Commissioner shall ensure that a copy of the Cumulative Edition is updated for the use of the Governor-General, the Attorney-General and the Law Revision Commissioner.

Request to remake subsidiary legislation

23.(1) Where an Act is repealed and replaced but the subsidiary legislation made under the former Act continues in force and the Law Revision Commissioner is of the opinion that the subsidiary legislation is substantially in conflict with the new Act, the Law Revision Commissioner may in writing advise

the relevant ministry that the subsidiary legislation be revoked and subsidiary legislation be made under the current Act.

(2) Where the Law Revision Commissioner advises the ministry pursuant to subsection (1), the ministry shall, as soon as possible, take the appropriate action to remove the conflict.

Rectification of omissions from the Laws of Barbados

24.(1) Where an omission from the Laws of Barbados comes to the attention of the Law Revision Commissioner, the Commissioner shall rectify the omission in such manner as he determines to be appropriate.

(2) Where the Law Revision Commissioner believes that the rectification of an omission should be made by order, the Commissioner shall advise the Attorney-General of the omission and the Attorney-General shall by order rectify the omission.

(3) An order under subsection (2) may be made to have retrospective effect and may contain such consequential, supplementary or ancillary provisions as appear to the Attorney-General to be necessary or expedient in the circumstances.

(4) An order made under subsection (2) shall be laid in Parliament.

(5) In this section, "omission" means any omission from the Laws of Barbados otherwise than in accordance with this Act.

Assistance with law revision

25.(1) For the purposes of revising any law or any branch of the law pursuant to this Act, the Law Revision Commissioner may consult any person who has specialized knowledge in any branch of the law or a technical expert in any particular field.

(2) The Attorney-General may authorise the payment of compensation and expenses to persons consulted under subsection (1).

Assistance with a revised edition

26.(1) The Attorney-General may, on the advice of the Law Revision Commissioner, appoint suitably qualified persons to assist the Law Revision Commissioner with the preparation of a revised edition.

(2) The Attorney-General may authorise the payment of compensation and expenses to persons appointed under subsection (1).

Law revision reports

27.(1) The Law Revision Commissioner shall, in respect of every calendar year, submit to the Attorney-General, a report on any aspect of the Commissioner's work under this Act.

(2) The Attorney-General may cause the report referred to in subsection (1) to be laid before Parliament with any comments he thinks fit.

Distribution and sale of the Laws of Barbados

28.(1) Copies of a revised edition, the Cumulative Edition and any updates to the Laws of Barbados whether printed or in electronic format

(a) shall be distributed among such persons, officers, departments and institutions as the Attorney-General, after consultation with the Law Revision Commissioner, may direct;

(b) shall be made available for sale to the public and may include an electronic subscription service at such price as the Attorney-General after consultation with the Law Revision Commissioner shall determine.

(2) The sums collected under subsection (1)(b) shall be paid into the Consolidated Fund.

PART III

LAW REFORM

Law Reform Commission

29.(1) There shall be a Law Reform Commission for the purpose of promoting the reform of the law.

(2) The Attorney-General shall by instrument, appoint a Chairman and such other persons as appear to him to be suitably qualified pursuant to subsection (3) to be Law Reform Commissioners.

(3) A person appointed to be a Law Reform Commissioner under subsection (2) shall be a person who holds or has held judicial office or a person who is an experienced legal practitioner or an experienced teacher of law in a university.

(4) A Law Reform Commissioner shall be appointed for such period, not exceeding 5 years, and on such terms and conditions, including compensation, as may be determined by the Attorney-General at the time of his appointment.

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

(6) Where a Law Reform Commissioner is unable to fully perform his functions, the Attorney-General may appoint another person to be a Commissioner in his stead.

(7) The appointment of a Judge as a member of the Commission does not affect the Judge's tenure of the judicial office and for all purposes, the Judge's service as a member shall be taken to be service as a Judge.

Staff to assist the Law Reform Commission

30.(1) The Law Reform Commission shall be provided with such staff, appointed in accordance with subsection (2), as is required for the purpose of carrying out the functions of the Commission under this Act.

(2) The offices of the staff required for the purposes of subsection (1) shall be established in accordance with the *Public Service Act*, Cap. 29.

Functions and powers of the Law Reform Commission

31.(1) The Law Reform Commission shall systematically keep the law under review for the purpose of developing, modernizing and simplifying the law.

(2) The Law Reform Commission shall have the following powers:

- (a) to receive and consider any suggestions or formal proposals for the reform of the law which may be made to the Commission;
- (b) to prepare and submit to the Attorney-General 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 recommendations approved by the Attorney-General, the examination of particular branches of the law and the formulation of proposals for reform;
- (d) to provide at the instance of the Attorney-General, advice and information to Ministries and Departments of the Government and other authorities which are 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.

(3) In the exercise of the functions prescribed under this Act, the Law Reform Commissioners shall be subject to the general direction of the Attorney-General.

Consultation of persons and appointment of specialised committees

32.(1) In performing any of its functions under section 31, the Law Reform Commission may from time to time

- (a) consult any person who has specialised knowledge in any branch of the law or technical expertise in any particular field; or
- (b) appoint committees to provide advice and information, and to consider and report on any matter referred to the Commission.

(2) In appointing persons as members of a committee under subsection (1) (b), the Law Reform Commission shall not restrict consideration to members of the legal profession.

(3) The Attorney-General may authorise the payment of compensation and expenses to persons consulted or appointed under this section.

Law reform programme

33. The Chairman of the Law Reform Commission shall prepare at the beginning of each year, a programme for Law Reform for that year and submit it to the Attorney-General no later than 31st January of that year.

Submission of report by Law Reform Commission

34.(1) The Law Reform Commission shall, in respect of every calendar year, submit a report of its proceedings in respect of law reform to the Attorney-General.

(2) The Attorney-General shall cause the report referred to in subsection (1) to be laid before Parliament with any comments he thinks fit.

(3) The report referred to in subsection (1) shall be published by the Law Reform Commission after consultation with the Attorney-General.

PART IV

GENERAL

Expenses

35. The expenses incurred under this Act for the purpose of the revision and the reform of the law and generally in respect of the administration of this Act, shall be paid out of such moneys as may be voted for that purpose by Parliament.

Transitional

36. Any appointments made under section 13 of the *Law Revision Act*, Cap. 2 shall cease on the commencement of this Act.

Repeal of Cap. 2

37. The *Law Revision Act*, Cap. 2 is repealed.

Commencement

38. This Act shall commence on a date to be fixed by Proclamation.