



ST. HELENA

CHAPTER 2

REVISED EDITION OF THE LAWS ORDINANCE

Non-authoritative Consolidated Text

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email pa.lawofficers@legalandlands.gov.sh]¹

Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

This version contains a consolidation of the following laws—

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Ordinance 14 of 1999 .. in force on 21 December 1999

Amended by Ord. 9 of 2007

No Subsidiary Legislation has been made under this Ordinance

¹ These contact details may change during 2011 or early in 2012. In case of difficulty, email shgwebsite@sainthelena.gov.sh or telephone (+290) 2470.

CHAPTER 2**REVISED EDITION OF THE LAWS ORDINANCE****ARRANGEMENT OF SECTIONS****SECTION**

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CHAPTER 2

REVISED EDITION OF THE LAWS ORDINANCE

(Ordinance 14 of 1999 and 9 of 2007)

AN ORDINANCE TO MAKE PROVISION FOR THE REVISION AND CONSOLIDATION OF THE LAWS OF ST. HELENA AND ITS DEPENDENCIES AND THE PREPARATION AND PUBLICATION OF REVISED EDITIONS OF THE LAWS IN VARIOUS FORMATS.

Commencement

[21 December 1999]

Short title

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

Interpretation

2. In this Ordinance, unless the context otherwise requires—
“**Commissioner**” means the Law Revision Commissioner appointed under section 3, and if no such person is currently appointed, means the Attorney General;
“**effective date**” is the date when the relevant revised edition comes into force, pursuant to section 10(3);
“**Ordinance**” includes subsidiary legislation made thereunder;
“**page**” in relation to a publication in electronic or computer form, includes any separate item of text;
“**revised edition of the Laws**” means a revised edition of the laws of St. Helena prepared by the Law Revision Commissioner under the authority of this Ordinance, and includes—
 - (a) a complete revised edition prepared under section 4;
 - (b) a revised booklet prepared under section 5;
 - (c) a page of the revised edition;
“**revision date**” is the date up until which the relevant revised edition is current, and—
 - (a) the relevant revised edition shall show the law as amended and in force on that date;
 - (b) the revision date shall be marked upon the cover and every page of a printed revised edition, and in such places in a non-printed revised edition as are practical to notify that revision date;
 - (c) different revision dates may be marked upon different pages of the revised edition.

Appointment of Commissioner

3. (1) The Governor in Council may, by Order published in the *Gazette*, appoint a suitably qualified person to be the Commissioner for the purpose of the revision and consolidation of the laws and the preparation of revised editions of the laws².

² Neil James Adsett was appointed to be the Law Revision Commissioner by an Order made under this section.
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(2) In case the Commissioner is unable, for any cause, fully to discharge his commission under this Ordinance, the Governor in Council may appoint some other fit and proper person to be the Commissioner in his stead.

Complete revised edition

4. (1) A complete revised edition of the laws of St. Helena shall contain—

- (a) all Ordinances and Subsidiary Legislation in force on the revision date, that are not omitted pursuant to section 6 or 8;
- (b) such laws of the United Kingdom which apply to St. Helena and which the Commissioner considers it desirable to include;
- (c) such treaties and conventions relevant to St. Helena which the Commissioner considers it desirable to include;
- (d) such introductory and explanatory material, and such tables, indexes and annotations as the Commissioner considers it desirable to include;
- (e) the material relating to Ascension and Tristan da Cunha that is specified in section 14.

(2) A complete revised edition may be contained in such of the following formats as are specified by an Order of the Governor in Council under section 10(3)—

- (a) bound books;
- (b) a collection of booklets;
- (c) loose-leaf books;
- (d) CD ROM or other means of electronic storage;
- (e) a data bank accessible by remote computer in any manner approved by the Order.

Revised booklets

5. (1) A revised booklet of the laws of St. Helena is a booklet that contains a revised edition of an Ordinance and related Subsidiary Legislation, or a similar separate body of related laws.

(2) A revised booklet may contain any of the material listed in section 4(1) that is relevant to the distinct subject of the booklet.

(3) A revised booklet may be contained in such of the following formats as are specified by an Order of the Governor in Council under section 10(3)—

- (a) a bound booklet;
- (b) a collection of loose-leaf pages designed for insertion in a binder;
- (c) a CD ROM or other means of electronic storage;
- (d) an item in a data bank accessible by remote computer in any manner approved by the Order.

Powers of Commissioner

6. In the preparation of revised editions of the laws, the Commissioner shall have the following powers—

- (a) to omit—
 - (i) all Ordinances or parts of Ordinances which have been expressly and specifically repealed or which have expired or have become spent or have had their effect;
 - (ii) all repealing enactments contained in Ordinances and also all tables and lists of repealed enactments, whether contained in Schedules or otherwise;

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- (iii) all preambles to Ordinances where such omissions can, in the opinion of the Commissioner, conveniently be made;
- (iv) all enactments prescribing the date when any Ordinance or part thereof is to come into operation, where in the opinion of the Commissioner such omission can conveniently be made;
- (v) all amending Ordinances, or parts thereof, where the amendments effected thereby have been embodied by the Commissioner in the Ordinance to which they relate;
- (vi) all enacting clauses;
- (b) to consolidate into one Ordinance any two or more Ordinances in *pari materia*, making the alterations thereby rendered necessary and affixing such date thereto as may seem to be most convenient;
- (c) to alter the order of sections or other subdivisions in any Ordinance, and in all cases where it appears to the Commissioner to be necessary so to do, to renumber any sections or other subdivisions;
- (d) to alter the form or arrangement of any section or other subdivision in any Ordinance by transferring words, by combining it in whole or in part with another section or other subdivision or by dividing it into two or more subsections or other subdivisions;
- (e) to transfer any enactment contained in an Ordinance from such Ordinance to any other Ordinance to which such enactment more properly belongs;
- (f) to divide any Ordinance into parts or divisions;
- (g) to add a long or short title to any Ordinance which may require it, or to alter the long or short title to any Ordinance;
- (h) to supply, alter or delete marginal notes, headings or subheadings to any section or other part of any Ordinance;
- (i) to correct grammatical, typographical, and other similar errors in any Ordinance and for the purpose to make verbal additions, omissions or alterations not affecting the meaning of such Ordinance;
- (j) to shorten or simplify the phraseology of any Ordinance;
- (k) to make such adaptations of or amendments in any Ordinance as may appear to be necessary or proper as a consequence of any constitutional changes in St. Helena or as a consequence of changes in the constitution of Commonwealth and other countries or in the composition of the Commonwealth;
- (l) to make such formal alterations to any Ordinance as are necessary or expedient for the purpose of securing uniformity of expression;
- (m) to supply tables showing the arrangement of sections of any Ordinance;
- (n) to supply such chronological tables of enactments as may appear to the Commissioner to be desirable;
- (o) to arrange related laws into topics or titles, and to assign chapter numbers to individual related laws,

and to do all things relating to form and method, whether or not similar to the foregoing, which appear to him to be necessary for the perfecting of the Revised Edition of the Laws.

Mode of dealing with alteration of substance

7. (1) The powers conferred upon the Commissioner by section 6 shall not be taken to imply any power for him to make any alteration or amendment in the matter or substance of any Ordinance.

(2) If the Commissioner considers that it is desirable that in the preparation of revised editions of the laws there should be amendments or additions other than those authorised under the powers conferred by section 6, he shall draft one or more Bills setting forth such proposed amendments or additions, and shall submit the same to the Attorney General with a view to their being considered for submission to the legislature.

(3) If any such Bill as is referred to in subsection (2) is enacted in sufficient time, the Commissioner shall give effect in the revised edition of the laws to the amendments or additions so authorised.

Omission of certain laws

8. (1) The Commissioner shall omit from the complete Revised Edition of the Laws, the Ordinances and Subsidiary Legislation specified in the Schedules to this Ordinance.

(2) At any time before the complete Revised Edition of the Laws is approved in pursuance of the provisions of this Ordinance, the Attorney General may by Order add to or vary the First and Second Schedule.

(3) Notwithstanding the omission of any Ordinance or Subsidiary Legislation from the complete Revised Edition of the Laws under the provisions of this section, any such law shall remain in force until the same has been repealed or has expired, become spent or had effect, as the case may be.

Construction of references to matters affected by the revision of the laws

9. Where, in any law or in any document of whatever kind, any reference is made to any law amended or otherwise affected by the operation of this Ordinance, such reference shall be construed, where necessary and practicable, as a reference to the latest revised version thereof published under the provisions of this Ordinance.

Bringing revised edition into force

10.³ (1) A Revised Edition of the Laws prepared pursuant to this Ordinance shall come into force as the authoritative version of the law on the date specified (“the effective date”) in an Order made by the Governor under subsection (3) with respect to that Revised Edition.

(2) When the Commissioner has prepared a Revised Edition, the Commissioner shall—

(a) sign four copies of the book, booklet, collection of loose-leaf pages, page, CD ROM or other electronic record, or printout from the data bank, as the case may be; and

(b) deliver the signed copies to the Attorney General;

and the Attorney General shall, following the making of an Order under subsection (3), deliver one of those copies to the Governor, one to the Registrar of the Supreme Court, and one to the Speaker of the Legislative Council, and retain the other in his Chambers.

(3) The Governor may, by Order published in the *Gazette*, declare that a Revised Edition specified in the Order shall come into force on such date as may be appointed by such Order.

(4) From the date specified in an Order made under subsection (3), the Revised Edition of the Laws shall be deemed to be, in all courts of justice and for all purposes whatsoever,

³ Section 10 substituted by Ord. 9 of 2007

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without any question the sole authentic edition of the laws in respect of the law contained therein and in force on the relevant revision date:

Provided that nothing in this section shall affect the operation of any Ordinance or Subsidiary Legislation which, before the date appointed for the Revised Edition of the Laws to come into operation, may be enacted repealing, altering or amending any Ordinance or Subsidiary Legislation which has already been included in the Revised Edition of the Laws.

(5) Whenever a complete Revised Edition is published under the authority of this Ordinance, the Commissioner shall, notwithstanding subsection (2), cause seven copies thereof to be permanently bound into volumes and shall deliver one copy each for record keeping purposes to—

- (a) the Governor;
- (b) the Speaker of the Legislative Council;
- (c) the Attorney General;
- (d) the Registrar of the Supreme Court;
- (e) the Custodian of Records, Archives Office;
- (f) the Public Library; and
- (g) the Secretary of State.

Rectification of errors

11. If any clerical, printing or other error is found in any matter included in the revised edition of the Laws, the Attorney General may by Order published in the *Gazette* rectify the same in such manner as may be consistent with the powers of revision conferred upon the Commissioner under the provisions of this Ordinance.

Distribution and sale of copies of, and access to, the revised edition

12. (1) Copies of the Revised Edition of the Laws, whether in the form of a book, booklet, collection of loose-leaf pages, page, CD ROM or other electronic record, or printout from the data bank or otherwise shall be—

- (a) distributed among such persons, offices, departments and institutions, whether within or without St. Helena, as the Governor may direct;
- (b) offered for sale to the public at such price as the Attorney General may direct;
- (c) made accessible to remote computers in such manner, and upon such terms, as the Attorney General may direct.

(2) Without prejudice to the provisions of subsection (1), the Attorney General may enter into any contractual arrangement for the sale of copies by any publisher or bookseller, and for the inclusion of the revised edition in a data bank or publication, as may appear to be expedient.

Updating of revised edition

13. (1) A revised edition of the laws that is in force pursuant to this Ordinance may be updated as provided in this section.

(2) A bound booklet, bound book, CD ROM, disc or other means of electronic storage, may be updated by its entire replacement.

(3) A revised edition in loose-leaf format, may be updated by the replacement of pages or the insertion or deletion of pages.

(4) A complete revised edition or booklet contained in the form of a data bank that is accessible by remote computer, may be updated by the amendment of part or the whole of that data bank and the consequent replacement of the current version of the data bank.

(5) A replacement, insertion, deletion or amendment pursuant to this section shall have no effect unless made pursuant to and in accordance with an Order made under section 10(3).

(6) A revised edition in whatever format, marked with the latest revision date, is deemed to be the authoritative Revised Edition of the Laws to which section 10(4) applies.

Ascension and Tristan da Cunha

14. (1) A complete revised edition shall also contain—

(a) a supplement to the revised edition, containing—

(i) such separate Ordinances and Subsidiary Legislation of the dependencies of Ascension and Tristan da Cunha; and

(ii) such other material referred to in section 4(1)(b), (c) and (d) relating to Ascension and Tristan da Cunha,

as the Commissioner considers it desirable to include;

(b) notes by the Commissioner, in such places and form as he considers appropriate, of the applicability of St. Helena laws to Ascension and Tristan da Cunha (including the modifications that have been prescribed).

(2) In the preparation of material for the purposes of this section, the Commissioner shall have, *mutatis mutandis*, all of the powers and obligations of the Law Revision Commissioner under this Ordinance.

Offence

15. A person who knowingly makes any alteration to the Revised Edition, with the intent to deceive any person as to the true text of the law is guilty of an offence and liable on summary conviction to a fine of £5,000 and imprisonment for 2 years.

FIRST SCHEDULE

(Section 8(1))

ORDINANCES TO BE OMITTED FROM THE COMPLETE REVISED EDITION OF THE LAWS

1. All Ordinances authorised to be omitted from any previous edition of the Laws.

2. All Appropriation Ordinances, including any Supplementary Appropriation Ordinances.

SECOND SCHEDULE

(Section 8(1))

SUBSIDIARY LEGISLATION TO BE OMITTED FROM THE COMPLETE REVISED EDITION OF THE LAWS

1. All instruments made or issued under any of the enactments mentioned in the First Schedule.
 2. All appointments of an individual by name.
 3. All instruments made or issued under any enactment which, in the opinion of the Commissioner are of a transient nature or which may be regarded as spent.
 4. Any instrument made or issued under any enactment, in respect of which the Attorney General certifies to the Commissioner that it is likely to be revoked or replaced at an early date.
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