

LAWS OF KIRIBATI
REVISED EDITION 1980

CHAPTER 92

REVISED EDITION OF THE LAWS

ARRANGEMENT OF SECTIONS

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SCHEDULE

An Ordinance to make provision for the preparation, publication and periodical revision of a revised edition of the laws of Kiribati 21 of 1976
L.N. 33/79
L.N. 5/80

Commencement: 29 December 1976

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

Interpretation

2. In this Ordinance, unless the context otherwise requires—
 “commissioner” means the person appointed under section 3;
 “effective date” means the date specified by the Beretitenti under subsection (1) of section 11 for the coming into operation of the revised edition;
 “revised edition” means the revised edition of the laws prepared under the authority of section 3.

Appointment of commissioner

3. The Beretitenti may, by notice in the *Gazette*, appoint a commissioner who shall prepare a revised edition of the laws.

Power of commissioner to omit

4. In the preparation of the revised edition, the commissioner may omit—
- (a) the Ordinances or parts of Ordinances specified in the Schedule;
 - (b) all Ordinances, or parts of Ordinances, which have been expressly repealed or which have expired or have become spent or have had their effect;
 - (c) all repealing provisions contained in Ordinances and all tables and lists of repealed Ordinances, whether contained in Schedules or otherwise;
 - (d) all preambles to Ordinances, where such omission can, in the opinion of the commissioner, conveniently be made;
 - (e) all provisions prescribing the date when an Ordinance or part of an Ordinance is to come into operation, where such omission can, in the opinion of the commissioner, conveniently be made;
 - (f) all amending Ordinances or parts thereof, where the amendments effected thereby have been embodied by the commissioner in the Ordinance to which they relate;
 - (g) all enacting clauses;
 - (h) all written descriptions of waters, lands, places, areas or premises contained in Ordinances which in the opinion of the commissioner are sufficiently described by reference to deposited plans; and
 - (i) transitional and other transient provisions.

Other powers of commissioner

5. The commissioner shall, in addition to the powers conferred by section 4, have power—
- (a) to transfer to subsidiary legislation any part of an Ordinance which can more conveniently be included as subsidiary legislation made under that Ordinance or under any other Ordinance;

- (b) to arrange the grouping and sequence of Ordinances;
- (c) to make such final alterations to any Ordinance as are necessary or expedient for the purpose of securing uniformity of expression;
- (d) to consolidate into 1 Ordinance any 2 or more Ordinances or any number of Ordinances *in pari materia*, making such alterations as are thereby rendered necessary or expedient and affixing such date thereto as may seem most convenient;
- (e) to divide any Ordinance into 2 or more Ordinances and to make such amendments, including the supplying of titles, or the alteration of existing titles, as are thereby rendered necessary;
- (f) to incorporate in any Ordinance any amendment made to any schedule, form or other part by any authority under powers conferred by that Ordinance;
- (g) to alter the order of sections in any Ordinance;
- (h) to renumber the sections in any Ordinance in all cases where it may be necessary or expedient so to do;
- (i) to alter the form or arrangement of any section, by transferring words, by combining it in whole or in part with another section or other sections or by dividing it into 2 or more subsections;
- (j) to transfer any provision contained in an Ordinance from such Ordinance to any other Ordinance to which that provision more properly belongs, making such alterations as are thereby rendered necessary or expedient;
- (k) to divide Ordinances, whether consolidated or not, into parts or divisions;
- (l) to add a long title or a short title to any Ordinance which may require it or to alter the long title or short title of any Ordinance;
- (m) to supply or alter tables or contents, chronological tables and notes:

Provided that such tables of contents, chronological tables and notes shall not form any part of the Ordinance in which they appear;

- (n) to correct grammatical, typographical and similar errors in the existing copies of Ordinances, and for that purpose to make verbal additions, omissions, or alterations not affecting the meaning of any Ordinance;
- (o) to correct cross references;

- (p) to correct references to repealed Ordinances by replacing such references by references to the substituted Ordinances, for which purpose it is declared that an Ordinance is deemed to be substituted for another Ordinance where it is expressly stated in the subsequent Ordinance that it is so substituted, or where the subsequent Ordinance re-enacts with or without modification any provisions of a repealed Ordinance;
- (q) to make such formal alterations as to names, localities, departments, offices and officers and otherwise as may be necessary to bring any Ordinances into conformity with the circumstances of Kiribati;
- (r) to make such adaptations of or amendments to any Ordinances as may appear to be necessary or proper as a consequence of any change in the constitution of Kiribati or any other place;
- (s) to remove racial distinctions in any Ordinance where in the opinion of the commissioner those distinctions no longer have relevance or significance; and
- (t) to do all things relating to form and method which appear to him to be necessary for the perfecting of the revised edition.

Mode of dealing with omissions or amendments not authorised by sections 4 and 5

6. (1) If the Beretitenti or the commissioner considers it is desirable that in the preparation of the revised edition there should be omissions other than those authorised by sections 4 and 5, the Beretitenti may, by order, provide that the same shall be omitted.

(2) If such Ordinance or Ordinances are enacted prior to the effective date, then—

- (a) the commissioner shall, in the preparation of the revised edition, give the like effect to such omissions or amendments as if they had been authorised by section 4 or 5; and
- (b) if as a result of any such omission or amendment any Ordinance or part thereof has been repealed or has expired or become spent or had its effect, such Ordinance or part shall be omitted from the revised edition.

Contents of the revised edition

7. (1) Subject to the provisions of section 4 and subsection (2) of section 6, the revised edition shall include all unrepealed Ordinances enacted before the 1st day of January 1977 and may contain such Ordinances enacted after such date as the commissioner may think fit to include therein.

- (2) Each Ordinance shall form a separate Chapter.

(3) The Chapter number or the number and year, whichever the commissioner considers appropriate, of the principal Ordinance and of each incorporated Ordinance and the number and year of each amending Ordinance shall be set out in the margin at the beginning of each Chapter.

(4) The commencement of each principal Ordinance shall be set out immediately below the long title.

8. (1) Subject to subsection 2, the commissioner shall cause the revised edition of every Ordinance to be published in the form of 1 or more separate booklets each of which shall contain—

Method of compiling the revised edition

(a) on the front page thereof the expressions—

(i) "Laws of the Gilbert Islands"; and

(ii) "Revised Edition 1977; and

(b) at the top of every subsequent page of each such booklet the expression "1977 Ed."

(2) Any booklet published under section 13 or 14 after the effective date shall contain—

(a) on the front page the expressions—

(i) "Laws of Kiribati"; and

(ii) "Revised Edition" followed by the relevant year; and

(b) at the top of every subsequent page of each such booklet the expression "(relevant year) Ed."

(3) In subsection (2), "relevant year" means the year of 31st day of December referred to in section 15(2).

9. (1) The commissioner shall cause the various booklets which have been compiled for the purposes of section 8 to be contained together in such number of volumes as he considers convenient.

Binding of booklets

(2) A booklet shall be bound in such manner as will enable it to be easily removed from and replaced in a volume.

10. (1) The commissioner shall cause 4 complete sets of the booklets which have been compiled for the purposes of section 8 to be bound together in volumes in a permanent manner.

Copies of revised edition to be kept for record

(2) The title page of each volume of booklets so bound shall be sealed with the National Seal and 1 copy of each volume shall be transmitted to the Beretitenti, 1 copy of each volume to the Speaker, 1 copy of each volume to the Attorney-General and 1 copy of each volume to the Registrar of the High Court, and shall be retained by them for record purposes.

Bringing of
revised edi-
tion into
operation

11. (1) The Beretitenti may by notice approve the revised edition and order that the revised edition shall come into operation on such date as he may specify in such notice.

(2) From the effective date the revised edition shall be deemed to be and shall be without any question whatsoever in all courts of justice and for all purposes whatsoever the sole and only proper laws of Kiribati in respect of all Ordinances contained therein.

Complementary
matter in
revised edi-
tion

12. (1) The revised edition may also contain a reprint of such treaties and conventions and such laws of another country, and such indices, notes and references as the commissioner considers useful to include.

(2) When any treaty or convention or law of another country is reprinted in pursuance of subsection (1), the treaty, convention or law may be reproduced with any amendments made to it, and any relevant modifications made to it in relation to Kiribati:

Provided that every departure from the original text shall be clearly shown by notes, references or other similar means.

(3) The commissioner may also cause the reprint referred to in subsection (1) to be published in such number of separate booklets, in the manner prescribed by section 8, or in such other form as he considers convenient.

Annual revi-
sion of
revised edi-
tion

13. (1) As soon as practicable after the 1st day of January in every year the Attorney-General shall, subject to subsection (2), cause to be published—

- (a) in the form of a separate booklet, a new revised edition of any Ordinance which has been amended during the period of 12 months ending on the preceding 31st December;
- (b) in the form of a separate booklet, any new Ordinance enacted during the said period, other than Ordinances the sole or substantial effect of which was to amend other Ordinances;
- (c) in the form of a booklet, separately or together with any other such treaty or convention, a new revised edition of any treaty or convention that has been amended or otherwise modified in relation to Kiribati during that period;
- (d) booklets containing such treaties, conventions or laws of another country enacted, made, agreed or applied during the said period as he considers may usefully be published; and
- (e) a new table of contents and index to the revised edition, a chronological list of Ordinances, a list of appointments and

a list of the latest edition of each booklet containing an Ordinance and included in the revised edition.

(2) The Attorney-General shall not be required by subsection (1) to prepare and publish a booklet containing a new revised edition of any Ordinance, treaty, convention or law of another country which has been amended if he considers that the amendments are not sufficiently extensive to justify the preparation and publication thereof, but he shall cause a separate booklet of minor amendments to be prepared and published in which all such amendments shall be contained.

(3) Without prejudice to subsection (1), the Attorney-General may, as soon as practicable after the 1st day of January in every year, cause to be published, in the form of a separate booklet—

- (a) a new revised edition of any Ordinance which has not been amended during the period of 12 months ending on the preceding 31st day of December;
- (b) a new revised edition of the subsidiary legislation made under or by virtue of any Ordinance, whether or not any part of that subsidiary legislation has been amended during the period of 12 months ending on the preceding 31st day of December.

(4) Where the Attorney-General is of the opinion that it is desirable that corrections, alterations or adaptations shall be made to any Ordinance but that such corrections, alterations or adaptations are not sufficiently extensive to justify the preparation and publication of a new revised edition of such Ordinance, he may, in relation to such Ordinance, exercise any of the powers contained in paragraphs (n), (o), (p), (q), (r) and (s) of section 5 and include any corrections, alterations or adaptations occasioned thereby in the booklet of minor amendments prepared and published under subsection (2).

14. (1) Without prejudice to the powers conferred by section 13, the Attorney-General may also—

Additional
power to
revise

- (a) consolidate into 1 Ordinance any 2 or more Ordinances *in pari materia*;
- (b) divide any Ordinance into 2 or more Ordinances; or
- (c) transfer to subsidiary legislation any part of an Ordinance which can more conveniently be included as subsidiary legislation under that Ordinance or under any other Ordinance.

(2) Where the Attorney-General has exercised the powers conferred by subsection (1), he shall, as soon as practicable after

the 1st day of January in the year following such exercise, cause to be published in the form of a separate booklet—

- (a) any Ordinance into which 2 or more Ordinances have been consolidated;
- (b) each Ordinance into which any Ordinance has been divided; and
- (c) the subsidiary legislation into which any part of an Ordinance has been transferred.

Powers and
duties of
Attorney-
General

15. (1) In the annual revision, the Attorney-General may exercise and perform, *mutatis mutandis*, the powers and duties conferred or imposed by this Ordinance upon the commissioner which shall include the power to add to or omit the Ordinance or parts of Ordinances specified in the Schedule.

(2) In any booklet published pursuant to section 13 or 14, the law shall be as it was on the preceding 31st day of December and shall contain at the beginning thereof the year of the 31st day of December.

(3) Where a new revised edition of the subsidiary legislation made under or by virtue of an Ordinance is published in a separate booklet under paragraph (b) of subsection (3) of section 13 or under paragraph (c) of subsection (2) of section 14, such booklet shall—

- (a) be part of the Chapter of the Ordinance under or by virtue of which that subsidiary legislation is made; and
- (b) in addition to the other expressions required to be contained therein, contain on the front page thereof—
 - (i) the title and Chapter number of the Ordinance under or by virtue of which that subsidiary legislation is made; and
 - (ii) the expression “Subsidiary Legislation”.

(4) The Attorney-General shall transmit to the Beretitenti a copy of every booklet published under section 13 or 14 and with effect from such date as the Beretitenti may specify by notice any such booklet shall be without any question whatsoever in all courts of justice and for all purposes whatsoever the sole and only proper law of Kiribati in respect of that Ordinance, or in the case of a booklet containing subsidiary legislation only, that subsidiary legislation.

Publication
of lists of
titles of cur-
rent laws

16. The Attorney-General shall, as soon as practicable after any date specified in any notice published under subsection (4) of section 15, cause to be published in the *Gazette* a list of the titles

of all Ordinances in force and the year of the last published edition thereof.

17. (1) Copies of the revised edition compiled in the manner provided by section 8 and of any booklet published under section 13 or 14 shall be distributed without charge to such persons, officers, departments and institutions as the Beretitenti may direct.

Distribution
of revised
edition

(2) There shall be offered to the public such number of copies so compiled and booklets so prepared at such price as the Beretitenti may direct.

(3) Any person may, on payment of such fee as the Beretitenti may direct, become entitled to receive a copy of each booklet published under section 13 or 14 and issued in any one year.

(4) The Government Printer shall, on the application of a subscriber, supply him with all the booklets to which he is entitled.

18. (1) The Attorney-General may, by order published in the *Gazette*, rectify any clerical or printing error appearing in the revised edition or in any booklet published under section 13 or 14, or rectify in a manner not inconsistent with the powers of revision conferred by this Ordinance any other error so appearing.

Rectification
of errors

(2) Every order made under this section shall be laid on the table of the Maneaba ni Maungatabu without unreasonable delay, and if a resolution is passed at the next sitting of the Maneaba ni Maungatabu held after the sitting at which the order is so laid that the order be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder, or to the making of a new order.

19. Whenever in any Ordinance, or in any document of whatever kind, any reference is made to any provision of any Ordinance affected by or under the operation of this Ordinance, the reference shall, where necessary and practicable, be construed as a reference to the corresponding provision in the revised edition or in any booklet published under section 13 or 14.

Construction
of references
to repealed
or amended
Ordinances

20. The Attorney-General may, by departmental warrant addressed to the Chief Accountant, authorise the payment of all expenses of and incidental to the preparation, publication, distribution and sale of the revised edition and of booklets published under section 13 or 14 and all such expenses shall be charged upon the Consolidated Fund.

Expenses of
preparation
and publica-
tion

SCHEDULE

(Section 4 (a))

PART I

GENERAL

1. Appropriation Ordinances
2. Indemnification Ordinances
3. Validation Ordinances
4. Ordinances concerned with the pensions or pensionable rights of certain persons
5. Ordinances amending the Ordinances in this Schedule

PART II

SPECIFIED ORDINANCES

(Chapter numbers refer to the Revised Editions of the Laws of 1952 and 1973.)

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|-----------------|---|
| 1 of 1902 | 1. Ocean Island, Application of Regulations to |
| 2 of 1908 | 2. Washington and Fanning Islands, Proprietorship of |
| 6 of 1939 | 3. Trading with the Enemy Ordinance 1939 |
| Cap. 74 of 1952 | 4. Wireless Telegraphy Ordinance |
| Cap. 8 of 1952 | 5. Proviso to section 8 of the Consular (Conventions) Ordinance |
| Cap. 10 of 1952 | 6. Pensions Ordinance |
| 11 of 1963 | 7. First Schedule—Part I, Imports (1) Classification and Tariff of the Customs Ordinance 1963 |
| 7 of 1969 | 8. Land Registration (Tarawa and Tabiteuea) Ordinance 1969 |
| 11 of 1972 | 9. Government Savings Bank (Transfer of Dormant Accounts and Repeal) Ordinance 1972 |
| Cap. 15 of 1952 | 10. Cinematograph Ordinance |
| Cap. 19 of 1973 | 11. Section 93 of the Local Government Ordinance |
| Cap. 20 of 1973 | 12. Native Status Ordinance |
| Cap. 25 of 1973 | 13. Mining Ordinance |
| Cap. 35 of 1973 | 14. Vaccination Ordinance |
| Cap. 46 of 1973 | 15. Dogs Ordinance |
| Cap. 51 of 1973 | 16. Exchange Control Ordinance |
| Cap. 56 of 1973 | 17. Licences Ordinance |
| Cap. 65 of 1973 | 18. Gilbert and Ellice Islands Development Authority Ordinance |

PART III

SPECIFIED SUBSIDIARY LEGISLATION

1. Subsidiary legislation of a transient nature
 2. Subsidiary legislation in force under the Ordinances mentioned in Part I with the exception of the Consular (Conventions) Ordinance
 3. Order under section 2 of the Diplomatic Privileges Ordinance
- Cap. 28

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4. All subsidiary legislation under the Education Ordinance Cap. 29
 5. All subsidiary legislation under, deemed to be under, or continued in force by the Income Tax Ordinance, save for regulations made under section 64 Cap. 44
 6. All subsidiary legislation under the Interpretation and General Clauses Ordinance Cap. 46
 7. Warrants and bye-laws under sections 3 and 50 respectively of the Local Government Ordinance Cap. 51

NOTE. "Ordinance" includes subsidiary legislation. Appointments by name are transient and so may be omitted.