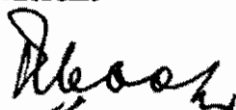
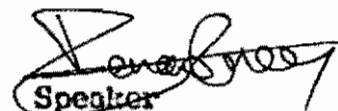


I HEREBY CERTIFY that the attached document is a fair print of an Act entitled the Interpretation Act, 1971 that has been made by Parliament and is now presented to the Speaker for his Certificate under Article 47 of the Constitution.

  
Clerk of Parliament  
5/1/72

Pursuant to Article 35 (3) and 47 of the Constitution I, KENAS AROI, Speaker of Parliament, HEREBY CERTIFY that the Interpretation Act, 1971 a copy of which is attached, has been passed by Parliament.

  
Speaker  
5/1/72

REPUBLIC OF NAURU  
INTERPRETATION ACT 1971

ARRANGEMENT OF SECTIONS

Clause

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REPUBLIC OF NAURU

(No. 12 of 1971)

AN ACT

To make better provision in the law relating to the construction, interpretation and publication of the law and for matters incidental thereto:

(Certified: 5-11-72)

Do it enacted by the Parliament of Nauru as follows:

PART I - PRELIMINARY

SHORT TITLE AND COMMENCEMENT

1. This Act may be cited as the Interpretation Act 1971 and shall come into force on a date to be notified by the Cabinet in the Gazette.

PART II - GENERAL PROVISIONS FOR INTERPRETATION

INTERPRETATION OF TERMS AND APPLICATION

2. (1) In this Act and in every other written law and in all public documents enacted, made or issued before or after the commencement of this Act the following words and expressions shall have the meanings hereby assigned to them respectively unless there is something in the subject or context inconsistent with such construction or unless it is therein otherwise expressly provided :-

"Act" means an Act of Parliament;

"act" used with reference to an offence or civil wrong, includes a series of acts, and words which refer to acts done extend to illegal and tortious omissions;

"aircraft" includes any machine or apparatus designed to support itself in the atmosphere, whether or not the machine or apparatus is incapable of use through mechanical defect and whether or not any part or parts thereof have been removed for any purpose or by

- any person;
- "alien" means any person who is not a Nauruan citizen;
- "amend" includes repeal, revoke, rescind, cancel, replace, add to or vary, and the doing of any two or more of such things simultaneously or in the same written law or instrument;
- "applied statute" means any Act of Parliament of the United Kingdom or of the Commonwealth of Australia, any Act of any State of the Commonwealth of Australia, and any Ordinance of the Australian Capital Territory, of the Territory of Papua or of the Territory of New Guinea, for the time being applied to Nauru by virtue of the provisions of any Act or Ordinance;
- "Article" means an Article of the Constitution;
- "barrister and solicitor" means a person entitled to practise as a barrister and solicitor in Nauru;
- "Chapter", "Part", "regulation", "rule", "section" and "Schedule" denote respectively a Chapter, Part, regulation, rule and section of, and a Schedule to, the written law in which the word occurs; and
- "paragraph" and "subsection" denote respectively a paragraph of the regulation, rule, section or subsection, and a subsection of the section, in which the word occurs; and "sub-paragraph" denotes a sub-paragraph of a paragraph;
- "Chief Justice" means the Chief Justice of the Supreme Court appointed under Article 49;
- "Chief Secretary" means the Chief Secretary of Nauru appointed under Article 25;
- "child" means a person under the age of fourteen years;
- "coin" means coin legally current in Nauru;
- "commencement" used with reference to any written law means the date on which the same came or comes into force;
- "Commissioner for Oaths" means a person who by virtue of the provisions of any written law is a Commissioner appointed to take affidavits and declarations;
- "Commonwealth" means those territories for the time being forming the Commonwealth of Nations, as from time to time constituted, which has developed out of the British Commonwealth, and such territories

of the British Commonwealth, and such territories include the United Kingdom and territories which are colonies or protectorates of, or are administered as a trust territory of the United Nations by, any country of the Commonwealth;

"Constitution" means the Constitution of Nauru;

"Constitution Day" means the seventeenth day of May;

"consular officer" means consul-general, consul, vice-consul, consular agent and any person for the time being authorised to discharge the duties of consul-general, consul or vice-consul;

"contravene" in relation to any requirement or condition prescribed in any written law or in any grant, permit, lease, licence or authority granted by or under any written law, includes a failure to comply with that requirement or condition;

"Council" means the Nauru Local Government Council;

"Councillor" means a Councillor of the Nauru Local Government Council;

"Court" means any court of law of competent jurisdiction in Nauru;

"Criminal Code" means the First Schedule to the Criminal Code Act, 1899, of the State of Queensland as in force in Nauru and as amended by written laws of Nauru;

"definition" means the interpretation given by any written law to any word or expression;

"Districts" means the Districts of Aiwo, Boe, Yaren, Meneng, Buada, Anibare, Ijuw, Anabar, Anatan, Ewa, Baiti, Uaboe, Nibok and Denigomodu into which Nauru is divided by the customs of the Nauruans, and

"District" means any one of such Districts;

"District Court" means the District Court of the Republic as from time to time established by law;

"document" includes any publication and any matter written, expressed or described upon any substance by means of letters, figures, or marks, or by more than one of those means, which is intended to be used or may be used for the purpose of recording that matter;

"dollar" and the sign \$ means an Australian dollar;

"export" means to take or cause to be taken out of Nauru or the waters thereof;



- "father", in the case of any person whose personal law permits adoption, includes an adoptive father;
- "financial year" means the period of twelve months from the first day of July in one year to the thirtieth day of June of the next following year, both days included;
- "functions" include powers, duties, authorities and jurisdiction;
- "Gazette" means the Nauru Gazette published by the order of the Government and includes supplements thereto and any extraordinary Gazette so published;
- "general notice" means any announcement not of a legislative character made in the Gazette;
- "Government" means the Government of the Republic;
- "Government Printer" means the Government Printer of Nauru and any other printer authorized by or on behalf of the Cabinet to print any written law or any other document of the Government;
- "Head Chief" means the Councillor elected under the provisions of the Nauru Local Government Council Ordinance 1951-1967 to be the Head Chief;
- "His Britannic Majesty" or "Her Britannic Majesty" means the Sovereign for the time being of the United Kingdom;
- "import" means to bring or to cause to be brought into Nauru or the waters thereof;
- "Independence Day" means the thirty-first day of January;
- "infant" or "minor" means a person under twenty-one years of age;
- "Island" means the Island of Nauru;
- "judge" means a judge of the Supreme Court and includes the Chief Justice and any person appointed under Article 53 for the time being to act as Chief Justice or as a judge of the Supreme Court;
- "judicial proceedings" include any proceedings at or taken in or before any Court, tribunal, commission of inquiry or person, in which evidence may be taken on oath;
- "land" includes messuages, tenements and hereditaments, corporeal or incorporeal, of any tenure and description, and whatsoever may be the estates

- therein;
- "law" includes any instrument having the force of law and an unwritten rule of law; and "lawful" and "lawfully" shall be construed accordingly;
- "magistrate" means a magistrate of the District Court;
- "master", used with reference to a ship, vessel or boat, means any person, except a pilot or harbour master, having for the time being control or charge of the ship, vessel or boat;
- "medical officer" means a medical practitioner in the service of the Republic;
- "medical practitioner" means a person for the time being duly registered or licensed as a legally qualified medical practitioner under any written law of the Republic for the time being in force or under the law of a State or a Territory of the Commonwealth of Australia, of the Dominion of New Zealand, of the Dominion of Fiji or of the United Kingdom;
- "Minister" means a Minister of the Cabinet;
- "month" means a calendar month;
- "Nauru" means the Island of Nauru, the territorial waters thereof and the air space above the Island and the territorial waters;
- "Nauru Lands Committee" means the Nauru Lands Committee established under the Nauru Lands Committee Ordinance 1956-1963;
- "Nauru Local Government Council" means the Nauru Local Government Council established under the Nauru Local Government Council Ordinance 1951-1967;
- "Nauru Phosphate Corporation" means the Nauru Phosphate Corporation established under the Nauru Phosphate Corporation Act 1969;
- "Nauru Phosphate Royalties Trust Fund" means the Nauru Phosphate Royalties Trust Fund established under the Nauru Phosphate Royalties Trust Ordinance 1968;
- "Nauruan" means a person included in one of the classes of persons who constitute the Nauruan Community;
- "Nauruan citizen" has the same meaning as in Article 71;
- "Nauruan Community" means the Nauruan Community as established and defined under the Nauruan Community

Ordinance 1956-1966;

"oath" and "affidavit", in all cases where persons are allowed by law to affirm, declare or promise instead of swearing, include affirmation, declaration and promise, and "swear", in the like case, includes affirm, declare and promise;

"occupy" includes use, inhabit, be in possession of or enjoy the premises in respect whereof the word is used, otherwise than as a mere servant or for the mere purpose of the care, custody or charge thereof;

"offence" means any contravention or other breach of, or failure to comply with, any written law, for which a penalty is provided;

"Ordinance" means an Ordinance of the Island which continues to be in force in Nauru by virtue of Article 85;

"Parliament" means the Parliament of Nauru established under Article 26;

"person" and "party" include a corporation sole and a body politic or corporate as well as an individual;

"pilot" in relation to an aircraft means any person having for the time being control or charge of the aircraft;

"police officer" means an officer of the Nauru Police Force and includes the Director of Police;

"power" includes any privilege, authority or discretion;

"prescribed" means prescribed by the Act, Ordinance or applied statute in which the word occurs or by any subsidiary legislation made thereunder;

"President" means the President of Nauru elected under Article 16;

"printing" includes lithography and the reproduction of words by mechanical or photographic means;

"proclamation" means proclamation made by the President and published in the Gazette;

"property" includes money, goods, choses in action, land and every description of property, whether movable or immovable; and also obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as herein defined;

"publication" includes all written and printed matter, and any record, tape, wire, perforated roll,

- cinematograph film or other contrivance by means of which any word or ideas may be mechanically or electrically produced, reproduced, represented or conveyed, and everything, whether of a nature similar to the foregoing or not, containing any visible representation, or by its form, shape or in any manner capable of producing, reproducing, representing or conveying words or ideas, and every copy and reproduction of any publication;
- "public holiday" means any day which is a holiday in the public service by virtue of section 44 of the Public Service Act 1961-1971;
- "public office", "public officer" and "public service" bear the same meaning as in Article 81;
- "public place" includes every place to which the public are entitled or permitted to have access whether on payment or otherwise;
- "public prosecutor" includes every person who is for the time being a public prosecutor by virtue of the provisions of any written law;
- "regulation" "rule" or "by-law" means regulation, rule or by-law, as the case may be, made under the Act, Ordinance or applied statute wherein the term is used;
- "Republic" means the Republic of Nauru;
- "resident magistrate" means the person appointed to be, or to act as, resident magistrate under the provisions of any written law for the time being in force;
- "rule" includes a rule of court, a by-law and a regulation;
- "rules of court" when used in relation to any Court means rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of that Court;
- "ship", "vessel" or "boat" respectively include anything made or used for the conveyance by water of human beings or of goods, chattels or other movable property;
- "sign" in relation to a person who is unable to write his name includes his mark;
- "son", in the case of any person whose personal law

permits adoption, includes an adopted son;  
"Speaker" means the Speaker of Parliament elected under Article 34;

"statutory declaration" -

(a) if made in Nauru, means a declaration made under the Statutory Declarations Act 1911 of the Commonwealth of Australia as an applied statute;

(b) if made in the United Kingdom or any country or territory of the Commonwealth, means a declaration made before a justice of the peace, notary public, commissioner for oaths or other person having authority therein under any law for the time being in force to take or receive a declaration;

(c) if made in any other place, means a declaration made before a diplomatic or consular officer of the Republic or before any person having authority under any law of Nauru for the time being in force to take or receive a declaration;

"street" or "road" includes any highway, street, road, bridge, square, court, alley, lane, footway, parade, thoroughfare, passage or open space to which the public are entitled or permitted to have access whether on payment or otherwise;

"subsidiary legislation" means any legislative provision, or an appointment of any person, including a transfer or delegation of powers or duties, made in exercise of any power in that behalf conferred by any written law by way of by-law, notice, order proclamation, regulation, rule, rule of court or other instrument;

"Supreme Court" means the Supreme Court of Nauru;

"the United Kingdom" means Great Britain and Northern Ireland;

"territorial waters" means that area of water, and the waters and subsoil beneath it, enclosed by a line every part of which is at a distance of twelve miles from the nearest point of the outer edge of the reef surrounding the Island of Nauru which is exposed at low tide and, where there is an opening in the reef, from a straight line across the outer edges of that opening;

"Treasury Fund" means the Treasury Fund established under Article 58;

"will" includes codicil;

"writing" and expressions referring to writing include printing, lithography, typewriting, photography and other modes of representing or reproducing words in visible form;

"written law" means all Acts and Ordinances, including this Act, and applied statutes and all subsidiary legislation;

"year" means a year reckoned in accordance with the English calendar;

"young person" means a person who is fourteen years

(2) Where in any written law reference is made to "the Minister", such reference shall be taken to be reference to the member of the Cabinet for the time being responsible for the administration of that written law.

(3) Where any word or expression is defined in any written law, such definition shall extend, mutatis mutandis, to the grammatical variations and cognate expressions of such word or expression.

(4) In every written law, except where a contrary intention appears, words and expressions importing the masculine gender include females and bodies corporate.

(5) In every written law, except where a contrary intention appears, words and expressions in the singular include the plural and words and expressions in the plural include the singular.

(6) For the purposes of any written law the certificate of the Secretary for External Affairs shall be prima facie proof that any country or territory is or is not, or was or was not, a country or territory of the Commonwealth at the date specified in such certificate.

#### AMENDMENTS IN RELATION TO CERTAIN EXPRESSIONS

3. Unless the context otherwise requires or the subject or context is inconsistent with such amendment, the words "Territory of Nauru" or "Island of Nauru" shall, where they are used or appear in any written law, instrument or document in force or made at the date of commencement of this Act, be replaced from that date by the words "Republic of Nauru".

PART III - GENERAL PROVISIONS IN RELATION TO WRITTEN LAW

MODE OF CITING LAWS

4. (1) Where any written law is referred to, it shall be sufficient for all purposes to cite such written law either by the short title or citation, if any, by which it is made citable or, in the case of an Act, by the year in which it was made and its number among the Acts of that year or, in the case of any revised edition of the written law issued under any Act providing for the issue of a revised edition, by its short title or its Chapter number; and the reference may be made according to the copies of the written law printed by the Government Printer or by any printer appointed by or on behalf of the Cabinet to print such revised edition.

(2) Any citation of a written law shall, unless a contrary intention appears, be construed as a reference to such written law as amended from time to time by any other written law.

(3) Where a written law is divided into Chapters, Parts, Divisions, titles or other subdivisions, the fact and particulars of every such division and subdivision shall, with or without express mention thereof in such written law, be taken notice of in all Courts and for all purposes whatsoever.

(4) Where any applied statute does not have a short title or contain a provision for its citation, it may be cited by reference to the regnal or calendar year in which it was enacted and its Chapter or other number.

TIME OF ACT COMING INTO FORCE

5. Every Act wherein no time is prescribed for the coming into operation thereof shall, for all purposes whatsoever, be deemed to have come, or shall come, into force on the day on which it becomes law under Article 47.

TIME WHEN WRITTEN LAW COMES INTO FORCE WHEN A PARTICULAR DAY FIXED

6. Where any written law, or any part thereof, came or comes into force on a particular day, or is expressed to come into operation on a particular day, it shall be

deemed to have come, or shall come, into force immediately on the expiration of the day next preceding such day.

#### ACTS TO BE PUBLISHED IN GAZETTE AND TO BE PUBLIC ACTS

7. (1) This Act and every Act enacted after the commencement of this Act shall be published in the Gazette, shall be a public Act and shall be judicially noticed and every other Act, every Ordinance and every adopted statute shall be deemed to be, and always to have been, a public statute in Nauru and shall be judicially noticed.

(2) The date appearing in the Gazette or on a copy of an Act published or purporting to be published, by the Government Printer, such date purporting to be the date on which the Speaker certified that such Act had been passed by Parliament, shall be evidence that such date was the date on which the Speaker so certified, and shall be judicially noticed accordingly.

(3) Where any written law is printed by, or on the authority of, the Government Printer, the contents of the marginal notes may be transposed so that they are printed instead as headings to the respective sections or paragraphs:

Provided that any such transposition shall not alter the meaning or effect of that written law.

#### EXERCISE OF STATUTORY POWER BETWEEN PASSING AND COMMENCEMENT OF ACT

8. Where an Act, which is not to come into operation immediately on the passing thereof, confers power to make any appointment, to hold any election, to make, grant or issue any instrument, including any rules, regulations or by-laws, to give notices, to prescribe forms or to do any other thing for the purposes of the Act, that power may, unless the contrary intention appears, be exercised at any time after the passing of the Act so far as may be necessary or expedient for the purpose of bringing the Act into operation at the commencement thereof: Provided that any instrument made under the power shall not unless the contrary intention appears in the Act or the contrary is necessary for bringing the Act into operation, come into operation until the Act comes into operation.

#### SECTIONS TO HAVE EFFECT AS SUBSTANTIVE ENACTMENTS

9. Every section of an Act, Ordinance or applied



statute shall have effect as a substantive enactment without introductory words.

APPLIED STATUTES TO BE READ WITH NECESSARY MODIFICATIONS

10. (1) Any applied statute shall, subject to the Act or Ordinance giving it force or application in or to Nauru, be read with such formal alterations as to names, localities, Courts, officers, persons, moneys, penalties or otherwise as may be necessary to make the same applicable to the circumstances, and in particular any references to a Probate Court, Bankruptcy Court or Admiralty Court, or similar expression, shall be construed as a reference to the Supreme Court exercising the appropriate jurisdiction.

(2) Save as otherwise expressly provided by any written law for the time being in force, where any provision of the applied statute which was enacted, passed or made on the later date shall prevail and, to the extent of the repugnance or inconsistency, the provision of the applied statute which was enacted, passed or made on the earlier date shall not have force or effect in Nauru.

REPEALED PROVISIONS IN FORCE UNTIL SUBSTITUTED PROVISIONS COME INTO FORCE

11. Where any written law passed after the commencement of this Act repeals wholly or in part any former written law and in lieu of the repealed provisions substitutes other provisions, such repealed provisions shall, unless express provision is made to the contrary by the repealing law or any other written law, remain in force until the substituted provisions come into force.

REFERENCE TO ANY WRITTEN LAW INCLUDES REFERENCE TO AMENDING OR SUBSTITUTED WRITTEN LAW

12. Where in any written law, reference is made to any other written law or to any provision thereof, such reference shall be deemed to include a reference -

(a) to all written laws amending such other written law and to all written laws amending such amending written laws or any of them, and to any written law substituted for such other written law or for any of such amending written laws; and

(b) to the corresponding provision of the

amending or substituted written law, as the case may require.

SAVING EXISTING DISTRICTS, APPOINTMENTS, ETC.

13. Where any written law repeals and re-enacts with or without modification any provision of any former written law, then -

- (a) all Districts or other local divisions or areas;
- (b) all councils, corporations, boards, trusts or other bodies constituted, and all elections and appointments of members thereof made;
- (c) all offices constituted and appointments of officers made;
- (d) all proclamations, orders, by-laws, rules, regulations, warrants, certificates and documents made; and

(e) all other acts, matters, and things whatsoever, which at the commencement of the repealing law are respectively in existence, or in force or operation, under or for the purposes of such provision, shall, in so far as is consistent with the repealing law, subsist and enure for the purposes of such law and shall continue as if the repealing law had been in force when they respectively originated or were constituted, made or done, and they had originated or been constituted, made or done thereunder.

SAVING OF OPERATION OF REPEALED OR EXPIRED WRITTEN LAW AS REGARDS RIGHTS AND LIABILITIES THEREUNDER

14. (1) Where any written law repeals or has repealed a former written law or any provision or words thereof, or where any written law expires or has expired, then, unless the contrary intention appears, such repeal or expiry shall not -

- (a) revive anything not in force or existing at the time which such repeal or expiry takes effect;
- (b) affect the operation of the repealed or expired law, or alter the effect of the doing, suffering or omission of anything prior to such repeal or expiry;
- (c) affect any right, interest, title, power or privilege created, acquired, accrued, established or exercisable, or any status or capacity existing, prior to such repeal or expiry;
- (d) affect any duty, obligation, liability or burden

of proof imposed, created or incurred prior to such repeal or expiry;

(e) subject to the provisions of the Criminal Code, or any other written law affect any penalty, forfeiture or punishment incurred or imposed or liable to be incurred or imposed, prior to such repeal or expiry; or

(f) affect any investigation, legal proceeding or remedy in respect of any such right, interest, title, power, privilege, status, capacity, duty, obligation, liability, burden of proof, penalty, forfeiture or punishment as aforesaid.

(2) Any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed and enforced, as if the repealing law had not been made or as if the expired law had not expired.

(3) Any written law, notwithstanding the repeal or expiry thereof, shall continue and be in force for the purpose of continuing and completing under such repealed or expired written law any civil proceeding, act, matter or thing commenced or in progress thereunder where there is no substituted written law or enactment adapted to the continuance and completion thereof.

#### EFFECT OF AMENDMENT OF WRITTEN LAW

15. Where any written law is amended by any subsequent written law, the original written law together with all amendments thereto shall be read and construed together from the date of commencement of the amendments or retrospectively, as the case may be, and the short title or citation of the original law shall, unless a contrary intention appears, be construed to include all written law covered by the same short title or citation.

#### CONTINUING ACT TO OPERATE FROM EXPIRATION OF CONTINUED ACT BUT NO PENALTIES INCURRED IN THE INTERVAL

16. Where a Bill for continuing a temporary Act has been introduced into Parliament and at the date of the expiration of such Act has not been passed, such Bill, upon receiving the Speaker's certificate following its enactment, shall, unless the contrary intention appears therein, be deemed to have taken effect in continuing such temporary Act on and from the date of the expiration thereof: Provided that no person shall be subjected to any

punishment, penalty or forfeiture for or in respect of anything done, or omitted to be done, by him contrary to any provision of such Act between the date of its expiration and the date of such certification.

SCHEDULES AND TABLES TO BE PART OF WRITTEN LAWS; MARGINAL NOTES, SECTION HEADINGS AND FOOTNOTES

17. (1) Every schedule to or table in any written law shall, together with any notes thereto unless a contrary intention appears, be construed and have effect as part of such written law.

(2) Save as provided in the next following section, the marginal notes, section headings and footnotes, if any, to any written law shall be deemed not to be part thereof.

AIDS TO INTERPRETATION

18. (1) In ascertaining the meaning of any provision of a written law, the matters which may be considered shall, in addition to those which may be considered for that purpose apart from this section, include the following, that is to say -

(a) all indications provided by the written law as printed by authority, including punctuation, marginal notes, section headings and footnotes, and the short title of the written law;

(b) in the case of an Act, any relevant report of any commission of inquiry, committee or other body which had been presented or made to or laid before Parliament before the time when the Act was passed;

(c) in the case of an Act, any relevant treaty or other international agreement which is referred to in the written law or of which a copy had been presented to Parliament by the Cabinet or a Minister before the Act was passed, whether or not the Republic was bound by it at that time;

(d) in the case of an Act, any other document bearing upon the subject-matter of the legislation which had been presented to Parliament by the Cabinet before that time;

(e) any document, whether falling within the foregoing paragraphs or not, which is declared by the written

law to be a relevant document for the purposes of this section.

(2) The weight to be given for the purposes of this section to any such matter as is mentioned in subsection (1) shall be no more than is appropriate in the circumstances.

(3) Nothing in this section shall be construed as authorising the consideration of reports of proceedings in Parliament for any purpose for which they could not be considered apart from this section.

#### PRINCIPLES OF INTERPRETATION OF ACTS

19. The following shall be included among the principles to be applied in the interpretation of Acts, namely -

(a) that a construction which would promote the general legislative purpose underlying the provision in question is to be preferred to a construction which would not; and

(b) that a construction which is consistent with the international obligations of the Government of the Republic is to be preferred to a construction which is not.

#### REPEALED WRITTEN LAW NOT REVIVED

20. Where any written law repealing in whole or in part any former written law is itself repealed, such last repeal shall not revive the law or provisions before repealed unless words are added reviving such written law or provisions.

#### REPEAL OF AMENDED LAW TO INCLUDE AMENDMENTS

21. Where any written law which has been amended by any other written law is itself repealed, such repeal shall, unless a contrary intention appears, include the repeal of all those provisions of other written law by which such first-mentioned written law has been amended.

#### EFFECT OF REPEAL OF ACT ON SUBSIDIARY LEGISLATION

22. Where any Act, Ordinance or applied statute, or any part of an Act, Ordinance or applied statute, is repealed, subsidiary legislation issued under or made in virtue thereof shall, unless a contrary intention appears, remain in force, so far as it is not inconsistent

with the repealing Act until it has been revoked or repealed by subsidiary legislation issued or made under the provisions of such repealing Act and shall be deemed for all purposes to have been made thereunder.

#### EFFECT OF EXPIRY OF WRITTEN LAW

23. Upon the expiry of any written law, the provisions of section 20 of this Act shall apply as if such written law had been repealed at the time of such expiry.

#### WHEN A WRITTEN LAW DEEMED TO BE SUBSTITUTED FOR ANOTHER

24. Within the meaning of this Act, and of any other written law whenever passed, a later written law shall be deemed to be substituted for an earlier written law, or a provision of a later written law shall be deemed to be substituted for a provision of an earlier written law, when such earlier law or such provision of such earlier law, as the case may be, is repealed or superseded, and such later law deals with the same matter as the law or provision so repealed or superseded, whether it deals with such matter in the same manner or otherwise, and whether it deals only with such matter or with other matters also.

#### PRESUMPTION AS TO ENFORCEMENT OF STATUTORY DUTY

25. Where any Act passed after this Act imposes or authorises the imposition of a duty, whether positive or negative and whether with or without a special remedy for its enforcement, it shall be presumed, unless express provision to the contrary is made, that a breach of the duty is intended to be actionable, subject to the defences and other incidents applying to actions for breach of statutory duty, at the suit of any person who sustains damage in consequence of the breach.

#### PUBLICATION OF SUBSIDIARY LEGISLATION

26. All subsidiary legislation shall be published in the Gazette and shall be judicially noticed.

#### RETROSPECTIVE OPERATION OF SUBSIDIARY LEGISLATION

27. Any subsidiary legislation may be made to operate retrospectively to any date, not being a date earlier

than the commencement of the written law under which such subsidiary legislation is made, but so, however, that no person shall be made or become liable to any penalty whatsoever in respect of any act done, or of the failure to do anything, before the date on which such subsidiary legislation is published in the Gazette.

#### CONSTRUCTION OF SUBSIDIARY LEGISLATION

28. Where any Act, Ordinance or applied statute confers power to make or issue any subsidiary legislation, words and expressions used in the subsidiary legislation shall, except where a contrary intention appears, have the same respective meanings as in the Act, Ordinance or applied statute conferring the power, and any reference in such legislation to "the Act" or "the Ordinance", as the case may be, shall mean the Act, Ordinance or applied statute conferring the power to make such subsidiary legislation.

#### PROVISIONS IMPLIED WHERE THERE IS POWER TO MAKE REGULATIONS

29. (1) Where by any Act, Ordinance or applied statute it is provided that regulations may or shall be made, and -

(a) it is provided that such regulations may or shall be made by the Cabinet; or

(b) it is not provided by whom such regulations may or shall be made,

any regulation made under, or by virtue of, such provision -

(a) shall be made by the Cabinet;

(b) shall, subject to subsection (2) hereof, come into operation on the day of such publication or, if it is enacted either in the regulation in some other written law that such regulation shall come into operation on some other day, then it shall come into operation accordingly; and

(c) shall be laid before Parliament within the six sitting days thereof next following such publication.

(2) Notwithstanding any provision in any written law to the contrary, if Parliament passes a resolution, of which resolution notice has been given at any time within fourteen sitting days of Parliament after any regulation has been laid before it, disallowing such regulation or if

any regulation is not laid before Parliament in accordance with the requirements of paragraph (c) of subsection (1) of this section, such regulation shall thereupon cease to have effect, but without affecting the validity, or curing the invalidity, of anything done, or of the omission of anything in the meantime.

This subsection shall apply notwithstanding that the said fourteen sitting days, or some of them, do not occur in the same session of Parliament or during the same Parliament as that in which the regulation is laid before Parliament.

(3) When a resolution has been passed as mentioned in subsection (2) hereof, notice of such resolution shall be published in the Gazette within twenty-one days of the passing of the resolution.

(4) Where by an Act, Ordinance or applied statute it is provided that regulations may or shall be made by any authority other than the Cabinet, the provisions of paragraphs (b) and (c) of subsection (1) and the provisions of subsections (2) and (3) of this section shall apply to any regulation so made:

Provided that if the Act which gives power to make, or directs the making of, any such regulation requires that it shall be confirmed by the Cabinet or any other authority before it shall have the force of law, the provisions of paragraph (b) of subsection (1) hereof shall not apply to that regulation unless it has been confirmed as so required.

(5) In this section the term "regulation" includes rule and by-law.

#### REGULATIONS MADE AND GAZETTED BUT NOT TABLED

30. (1) In every case where before the commencement of this Act any regulation has been made and published, or notice of the making has been given, in the Gazette but it has not been laid before Parliament, such regulation shall be deemed to have taken effect and to have had the force of law from the date of the publication thereof, or the giving of the notice of the making thereof, in the Gazette, or from such date, if any, as may have been therein specified:

Provided that this section shall not -

(a) be deemed to make intra vires any regulation



which is ultra vires; or

(b) make operative any regulation which by any law having reference thereto must be approved, confirmed or allowed by the Cabinet or any other authority in order to become operative, unless it has been so approved, confirmed or allowed.

(2) All regulations to which subsection (1) of this section relates shall be laid before Parliament within the thirty sitting days thereof occurring next after the commencement of this Act in the same or any subsequent session of Parliament.

(3) If Parliament passes a resolution disallowing any regulation laid before it under the provisions of the last preceding subsection, of which resolution notice has been given at any time within fourteen sitting days of Parliament after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without affecting the validity of anything previously done thereunder.

This subsection shall apply notwithstanding that the said fourteen sitting days, or some of them, do not occur in the same session of Parliament or during the same Parliament as that in which the regulation is laid before Parliament.

(4) In this section the term "regulation" includes rule and by-law.

#### POWER TO MAKE REGULATIONS INCLUDES POWER TO REVOKE OR VARY

31. Power given by any Act, Ordinance or applied statute to make regulations, rules or by-laws shall, except where a contrary intention appears, be deemed to include power from time to time -

- (a) to revoke them absolutely, in whole or in part;
- (b) to revoke them in whole or in part, and substitute other regulations, rules or by-laws respectively for those which have been so revoked; and
- (c) to vary them or any of them.

#### GENERAL PROVISIONS WITH RESPECT TO MAKING SUBSIDIARY LEGISLATION

32. Where an Act, Ordinance or applied statute confers power on any person or authority to make or issue subsidiary legislation, the following provisions shall,

unless a contrary intention appears, have effect with reference to the making of such subsidiary legislation -

- (a) where any subsidiary legislation purports to be made or issued in exercise of a particular power or powers, it shall be deemed also to be made or issued in exercise of all other powers thereunto enabling;
- (b) subsidiary legislation shall not be inconsistent with the provisions of any Act, Ordinance or applied statute;
- (c) where any Act, Ordinance or applied statute confers power on any person or authority to make or issue subsidiary legislation for any general purpose and also for any special purposes incidental thereto, the enumeration of the special purposes shall not be deemed to derogate from the generality of the powers conferred with reference to the general purpose; and
- (d) there may be annexed to the breach of any subsidiary legislation such penalty, not exceeding five hundred dollars or such term of imprisonment not exceeding six months, or both such fine and such imprisonment, or such other fine or term of imprisonment as may be provided by the Act, Ordinance or applied statute under which the subsidiary legislation is made, as the person or authority making or issuing the subsidiary legislation may think fit.

#### REFERENCE TO ACT, ETC., INCLUDES REFERENCE TO SUBSIDIARY LEGISLATION

33. Any reference to an Act, Ordinance or applied statute in that or any other written law shall be deemed to include a reference to any subsidiary legislation made or to be made under the Act, Ordinance or applied statute to which reference is made.

#### ACTS DONE UNDER SUBSIDIARY LEGISLATION

34. An act shall be deemed to be done under any Act, Ordinance or applied statute or by virtue of the powers conferred by any Act, Ordinance or applied statute or in pursuance or execution of or under the authority of any Act, Ordinance or applied statute, if it is done under or by virtue of or in pursuance of subsidiary legislation made under any power contained in that Act, Ordinance or applied statute.

FEES AND CHARGES

35. (1) Where any Act, Ordinance or applied statute confers power on any person or authority to make or issue subsidiary legislation whereby provision may be made in respect of fees or other charges, such subsidiary legislation may provide for all or any of the following matters :-

- (a) specific fees or charges;
- (b) maximum or minimum fees or charges;
- (c) maximum and minimum fees or charges;
- (d) the payment of fees or charges either generally or under specified conditions or in specified circumstances; and
- (e) the reduction, waiver or refund, in whole or in part, of any such fees or charges, either upon the happening of a certain event or in the discretion of a specified person or authority.

(2) Where any reduction, waiver or refund, in whole or in part, of any fees or charges is provided for, such reduction, waiver or refund may be expressed to apply or be applicable either generally or specifically -

- (a) in respect of certain matters or transactions or classes of matters or transactions;
- (b) in respect of certain documents or classes of documents;
- (c) when any event happens or ceases to happen;
- (d) in respect of certain persons or classes of persons; or
- (e) in respect of any combination of such matters, transactions, documents, events, persons or classes of persons,

and may be expressed to apply or be applicable subject to such conditions as may be specified in the subsidiary legislation or in the discretion of any person or authority specified therein.

PART IV - POWERS AND DUTIES

"MAY" IMPORTS DISCRETION: "SHALL" IS IMPERATIVE

36. Where in any written law the word "may" is used in conferring a power, that word shall, unless the context otherwise requires, be interpreted to imply that

the power so conferred may be exercised or not at discretion; and where in any written law the word "shall" is used in conferring a power, that word shall, unless the context otherwise requires, be interpreted to mean that the power so conferred must be exercised.

WORDS APPLYING TO OCCUPANT OF PUBLIC OFFICE, ETC. TO APPLY TO SUCCESSIVE OCCUPANTS

37. Words directing or empowering the President, any Minister or any public officer or functionary to do any act or thing, or otherwise applying to him by the name of his office, shall be construed as applying to every person for the time being holding or acting in such office or lawfully discharging the duties thereof.

POWER TO APPOINT INCLUDES POWER TO REMOVE, ETC.

38. Where by or under any written law a power or duty is conferred or imposed upon any person or authority to make any appointment or to constitute or establish any board, commission, committee or similar body, then, unless a contrary intention appears, the person or authority having such power or duty shall also have the power to remove, suspend, dismiss or revoke the appointment of, and to re-appoint or reinstate, any person appointed in the exercise of the power or duty, or to revoke the appointment, constitution or establishment of, or dissolve, any board, commission, committee or similar body appointed, constituted or established in exercise of such power or duty, and to re-appoint, reconstitute or re-establish it:

Provided that where the power or duty of such person or authority so to act is exercisable only upon the recommendation, or is subject to the approval or consent, of some other person or authority, then such power shall, unless a contrary intention appears, be exercisable only upon such recommendation or subject to such approval or consent.

POWERS MAY BE EXERCISED FROM TIME TO TIME

39. Power given by any written law to do any act or thing, to submit to any act or thing or to make any appointment shall be capable of being exercised from time to time, as occasion requires, unless the context or the nature of the act or thing indicates a contrary intention.

PROVISION FOR DELEGATION OF STATUTORY POWERS AND DUTIES

40. (1) Where by or under any written law any functions are conferred upon or vested in the President or the Cabinet, it shall be lawful for the President or the Cabinet, as the case may be, to delegate the functions conferred upon or vested in him or it to any Minister.

(2) Such delegation as aforesaid shall be signified by notice in the Gazette and may be made subject to such conditions, exceptions or qualifications as are specified in such notice.

(3) Nothing in this section shall be deemed to authorize the President or the Cabinet to delegate -

- (a) any power to make rules;
- (b) any power to issue warrants or to make proclamations;
- or
- (c) any function the delegation of which is prohibited by or under any law.

(4) Any delegation made from time to time under the provisions of subsection (1) of this section -

- (a) may be varied or cancelled by the President or the Cabinet, as the case may be; and
- (b) shall not exclude the exercise of such functions or the performance thereof by the President or the Cabinet, as the case may be.

PROVISION FOR EXECUTION OF DUTIES OF MINISTER OR PUBLIC OFFICER DURING TEMPORARY ABSENCE OR ILLNESS

41. (1) Where, by or under any written law, any powers are conferred or any duties any imposed upon a Minister or a public officer, the President may, if from any cause the office of such Minister or public officer is vacant or if during any period, owing to absence or inability resulting from illness or any other cause, such Minister or public officer is unable to exercise the powers or perform the duties of his office, direct that such powers shall be had and may be exercised and such duties shall be performed by a Minister or public officer designated by the President, and thereupon such Minister or public officer during the vacancy or the period aforesaid, shall have and may exercise the powers and shall perform the duties of that office, subject to such conditions, exceptions and qualifications as the President may direct.

(2) Notice of every direction given by the President under the last preceding subsection shall be published in the Gazette.

#### SIGNIFICATION OF ORDERS, ETC., OF PRESIDENT, CABINET AND MINISTERS

42. Where any written law confers or imposes upon the President, the Cabinet or a Minister a power or duty to make any subsidiary legislation or appointment, give any directions, issue any order, authorise any thing or matter to be done, grant any exemption, remit any fee or penalty or exercise any other power or perform any other duty, the exercise of such power or the performance of such duty by the President, the Cabinet or the Minister may, unless a contrary intention appears, be signified under the hand of the Secretary to the Cabinet or, in the case of a Minister, of the Secretary of that Minister's department: Provided that the provisions of this section shall not apply to the issue of warrants or the making of proclamations.

#### POWER TO APPOINT SUBSTANTIVELY PENDING RETIREMENT, ETC., OF EXISTING OFFICEHOLDER

43. (1) Where the substantive holder of any public office constituted by or under any written law is on leave of absence pending relinquishment by him of such office, or has been instructed lawfully to take up a special duty or is otherwise absent, it shall be lawful for another person to be appointed substantively to the same public office.

(2) Where two or more persons are holding the same office by reason of an appointment made in accordance with the last preceding subsection, then, for the purposes of all written law and in respect of every power conferred or duty imposed upon the holder of such office, the person last appointed to the office shall be deemed to be the holder thereof.

#### CONSTRUCTION OF ENABLING WORDS

44. Where any written law confers power upon any person to do, or to enforce the doing of, any act or thing, all such powers shall be deemed to be also conferred as are necessary to enable the person to do, or to enforce the doing of, the act or thing.

POWER TO APPOINT CHAIRMAN, ETC., OF BOARD, ETC.

45. Where by or under any written law power is given to any person or authority to appoint any board, commission, committee or similar body, it shall be lawful for such person or authority, as the case may be, unless a contrary intention appears, to appoint a chairman, a deputy chairman, a vice-chairman and a secretary of such board, commission, committee or similar body and to make rules governing the procedure of such board, commission, committee or similar body.

POWER TO APPOINT PUBLIC OFFICER TO SERVE ON BOARD, ETC.

46. Where by or under any written law power is given to any person or authority to appoint any persons to be members of any board, commission, committee or similar body, whether corporate or unincorporated, it shall be lawful for such person or authority, as the case may be, unless a contrary intention appears, so to appoint, by his official designation, any public officer and, on such appointment and until such appointment shall be revoked or otherwise determined, the person for the time being holding the office in question shall be a member of such board, commission, committee or similar body.

POWER TO APPOINT ALTERNATE OR TEMPORARY MEMBERS

47. Where by or under any written law any board, commission, committee or similar body, whether corporate or unincorporated, is established, then, unless a contrary intention appears, any person or authority who is by such written law empowered to appoint any or all of the members thereof may -

(a) appoint one or more duly qualified persons to be alternate members of the same, and any one such alternate member may attend any meeting of the same when a substantive member is temporarily unable to attend; and

(b) appoint a duly qualified person to be a temporary member of the same in the place of any substantive member who is precluded by illness, absence or other cause from exercising his functions as such;

and, when attending any meeting of such board, commission, committee or similar body, such alternative or temporary member shall be deemed for all purposes to be a member of the same and to have all the powers, duties and obligations of such a member.

POWERS OF BOARD, ETC., NOT AFFECTED BY VACANCY, ETC.

48. Where by or under any written law any board, commission, committee or similar body, whether corporate or unincorporated, is established, then, unless a contrary intention appears, the powers of such board, commission, committee or similar body shall not be affected by -

- (a) any vacancy in the membership thereof; or
- (b) any defect afterwards discovered in the appointment or qualification of a person purporting to be a member thereof.

AFFIXING OF COMMON SEAL

49. Where by or under any written law any council, board, commission, committee or similar body is constituted to be a body corporate having perpetual succession and a common seal, and any document is required to be sealed with such common seal, then, in the absence of express provision to the contrary, such common seal shall be affixed by the chairman or manager of, or secretary to, such council, board, commission, committee or similar body and shall be authenticated by the signature of such chairman, manager or secretary, as the case may be.

POWER OF MAJORITY TO ACT

50. Save as is otherwise expressly provided by any written law, where any act or thing may or is required to be done by more than two persons, a majority of them may do it.

PART V - GENERAL PROVISIONS REGARDING TIME AND DISTANCE

STANDARD TIME

51. The mean time of the meridian of longitude one hundred and seventy two and one half degrees east of Greenwich in England shall be deemed and is hereby declared to be standard time in Nauru and, whenever an expression of time occurs in any written law and whenever the doing or not doing anything at a certain time of day or night, or during a certain part of the day or night, has an effect in such written law, such time shall, unless it is otherwise specifically stated, be held to be standard time in Nauru as declared by this section.



#### COMPUTATION OF TIME

52. In computing time for the purpose of any written law, unless a contrary intention appears -

(a) a period of days from the happening of any event or the doing of any act or thing shall be deemed to be exclusive of the day on which the event happens or the act or thing is done;

(b) if the last day of the period is a Saturday, Sunday or a public holiday (which days are in this section referred to as excluded days), the period shall include the next following day, not itself being an excluded day;

(c) where any act or proceeding is directed or allowed to be done or taken on a certain day, then, if that day happens to be an excluded day, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, which is not itself an excluded day; and

(d) where any act or proceeding is directed or allowed to be done or taken within any time not exceeding five days, excluded days shall not be reckoned in the computation of the time.

#### PROVISIONS WHERE NO TIME PRESCRIBED

53. Where no time is prescribed or allowed within which anything shall be done, such thing shall be done without unreasonable delay and as often as due occasion arises.

#### CONSTRUCTION OF POWER TO EXTEND TIME

54. Where in any written law a time is prescribed for doing any act or taking any proceeding and power is given to a Court or other authority to extend such time, then, unless a contrary intention appears, such power may be exercised by the Court or other authority although the application for the same is not made until after the expiration of the time prescribed.

#### MEASUREMENT OF DISTANCES

55. In the measurement of any distance for the purposes of any written law that distance shall, unless a contrary intention appears, be measured in a straight line on a horizontal plane.

PART VI - GENERAL PROVISIONS REGARDING LEGAL PROCEDURES  
AND PENALTIES

RULES OF COURT

56. (1) In any written law, unless the contrary intention appears, the expression "rules of court" when used in relation to any Court, shall mean rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of such Court.

(2) The power of such authority to make rules of court shall, unless the contrary intention appears, include a power to make rules of court for the purpose of any Act which directs or authorises anything to be done by rules of court.

RECOVERY OF FINES AND PENALTIES

57. Where any fine or penalty is recoverable under any written law and no means are provided in such written law for the recovery thereof, such written law shall be deemed to provide that such fine or penalty may be recovered of fines.

EVIDENCE OF SIGNATURE OF PRESIDENT, MINISTER OR PUBLIC OFFICER TO FIAT

58. Where the fiat, consent or authority of the President, a Minister or any public officer is necessary before any prosecution or action is commenced, any document purporting to bear the fiat, consent or authority of the President, the Minister or the public officer shall be received as prima facie evidence in any proceeding without proof being given that the signature to such fiat, consent or authority is that of the President, the Minister or the public officer.

EX OFFICIO PROCEEDINGS NOT TO ABATE ON DEATH, ETC.

59. Any criminal proceedings taken by, or any civil proceedings taken by or against, any person in virtue of his office shall not be discontinued or abated by his death, resignation or absence or removal from office, but may be carried on by or against, as the case may be, the person for the time being holding that office.

IMPOSITION OF PENALTY NO BAR TO CIVIL ACTION

60. The imposition of a penalty or fine by or under the authority of any written law shall not, in the absence of express provision to the contrary, relieve any person from liability to answer for damages to any person injured.

PROVISIONS AS TO OFFENCES UNDER TWO OR MORE LAWS

61. Where an act or omission constitutes an offence under two or more written laws, the offender shall, unless a contrary intention appears, be liable to be prosecuted and punished under any of such laws, but shall not be liable to be punished more than once for the same offence.

PENALTIES PRESCRIBED TO BE MAXIMUM PENALTIES AND MAY BE CUMULATIVE

62. (1) Where in any written law a penalty is prescribed for an offence under that law, such provision shall, unless a contrary intention appears, mean that the offence shall be punishable by a penalty not exceeding the penalty prescribed.

(2) Where in any written law more than one penalty is prescribed for an offence, the use of the word "and" shall, unless a contrary intention appears, mean that the penalties may be inflicted alternatively or cumulatively.

DISPOSAL OF FORFEITS

63. (1) Where any animal or thing is by any written law declared, or is under any written law adjudged by any Court or other authority, to be forfeited, it shall, in the absence of express provision to the contrary, be forfeited to the Republic and the net proceeds thereof, if it is ordered by a competent authority to be sold, shall be paid into the Treasury Fund, unless other provision is made.

(2) Nothing in this section shall affect any provision in any written law whereby any portion of any fine or forfeit or of the proceeds of any forfeit is expressed to be recoverable by any person or may be granted by any authority to any person.

DISPOSAL OF FINES AND PENALTIES

64. Any fine or penalty imposed by or under the

authority of any written law and any costs awarded by a Court to a public prosecutor shall, in the absence of express provision to the contrary, be paid into the Treasury Fund.

#### APPLICATION OF PENAL LAWS TO BODIES CORPORATE

65. (1) In the construction of every written law relating to an offence punishable on conviction in any Court, including the Criminal Code, the expression "person" shall, unless the contrary intention appears, include a body corporate, provided that the act or omission constituting the offence is capable of being done or made by a body corporate and that the offence is punishable, either absolutely or in the alternative, by a penalty which a body corporate is capable of suffering.

(2) Where under any written law any forfeiture or penalty is payable to a party aggrieved, it shall be payable to a body corporate in every case where that body is the party aggrieved.

#### PART VII - GENERAL MISCELLANEOUS PROVISIONS

##### MEANING OF SERVICE OF A NOTICE OF DOCUMENT

66. (1) Where any written law authorises or requires any document to be served by post, whether the expression "serve" or "give" or "send" or any other expression is used, then, unless a contrary intention appears, the service shall be deemed to be effected by properly addressing to the last known postal address of the person to be served, prepaying and posting an envelope containing the document and, unless the contrary is proved, to have been effected at the time at which the envelope would be delivered in the ordinary course of the post.

(2) Where any written law authorises or requires any notice or document to be served, then, unless the contrary intention appears, such notice or document may be served either -

(a) by delivering it to the person on whom it is to be served; or

(b) in the case of a corporation or body corporate, by leaving it at, or sending it by post to, its registered office.

(3) The provisions of subsections (1) and (2) of this section do not derogate from or otherwise affect the provisions of any written law which may require the production of an acknowledgment signed by a person to whom a document was addressed to the effect that the document was delivered to that person.

#### ACT MAY BE ALTERED OR REPEALED IN SAME SESSION

67. Any Act may be altered, amended or repealed in the same session of Parliament in which it was passed.

#### GAZETTE TO BE EVIDENCE OF MATTERS THEREIN

68. All printed copies of the Gazette purporting to be published by the Government Printer shall be admitted in evidence by all Courts and in all legal proceedings whatsoever without any proof being given that such copies were so published and shall be taken and accepted as evidence of the written law, appointments, notices and other publications therein printed and of the matters and things contained in such written law, appointments, notices and publications respectively.

#### POWER TO ISSUE LICENCES, ETC., SUBJECT TO CONDITIONS

69. Where any written law confers a power to issue any licence, permit or authorization, then, unless a contrary intention appears, such licence, permit or authorization may be issued subject to such conditions, not inconsistent with that law, as the authority issuing it deems expedient.

#### RECTIFICATION OF ERRORS IN WRITTEN LAW

70. (1) The Minister responsible for the administration of justice may, by order published in the Gazette, rectify any clerical or printing error appearing in any written law, other than in an applied statute.

(2) Every order made under the provisions of this section shall be laid on the table of Parliament without unreasonable delay and, if a resolution is passed at the meeting of Parliament at which the order is so laid, or at the next meeting thereafter, 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 any new order.

ACT FOR WHICH PAYMENT REQUIRED NEED NOT BE PERFORMED UNTIL  
PAYMENT MADE

71. (1) Where any person, public officer or statutory body is required to do any thing for which a fee is to be paid or a charge made under any written law, such person, public officer or statutory body may decline to do that thing until the fee is paid or until payment of the charge is made or, where the precise amount of the payment to be made cannot be ascertained until the thing has been done, until there is paid such an amount as may be estimated to be the correct amount by the person or public officer, or the responsible officer of the statutory body, required to do the thing.

(2) Where a thing has been done for which an estimated amount has been paid, such amount shall be adjusted to the correct amount either by means of a further payment or by a refund of the amount overpaid.

DEVIATION FROM FORMS

72. Save as is otherwise expressly provided, whenever any form is prescribed by any written law, an instrument or document which purports to be in such form shall not be void by reason of any deviation therefrom which does not affect the substance of such instrument or document or which is not likely to mislead.

REGISTERS, BOOKS OF ACCOUNT, ETC.

73. Where by any written law provision is made for recording or accounting in Government departments by means of books, any method or system commonly used in commerce for recording or accounting, if adopted with the approval of the Cabinet, shall be deemed to be such book.

PART VIII - GENERAL PROVISIONS REGARDING THE REPUBLIC

SAVING OF RIGHTS OF THE REPUBLIC

74. No written law shall in any manner whatsoever affect the rights of the Republic unless it is expressly provided, or unless it appears by necessary implication, that the Republic is bound thereby.

THIS ACT TO BIND THE REPUBLIC

75. This Act shall bind the Republic.

PART IX - REPEAL AND SAVING

REPEAL OF INTERPRETATION ORDINANCE 1956-1967 AND SAVING

76. The Interpretation Ordinance 1956-1967 is hereby repealed:

Provided that any power, duty, function, delegation or appointment, delegated, exercised or made under the provisions of that Ordinance and continuing at the date of the commencement of this Act, shall continue to be of full force and effect as though delegated, exercised or made under the relevant provisions of this Act.