



MONTSERRAT

CHAPTER 1.03

REVISED EDITION OF THE LAWS ACT and Subsidiary Legislation

Revised Edition

showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

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CHAPTER 1.03

REVISED EDITION OF THE LAWS ACT

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CHAPTER 1.03

REVISED EDITION OF THE LAWS ACT

(Acts 9 of 1999 and 9 of 2011 and S.R.O. 18/2005)

AN ACT TO MAKE PROVISION FOR THE REVISION AND CONSOLIDATION OF THE LAWS OF THE MONTSEERRAT AND THE PREPARATION AND PUBLICATION OF REVISED EDITIONS OF THE LAWS IN VARIOUS FORMATS.

Commencement

[10 March 1999]

Short title

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

Interpretation

2. In this Act, unless the context otherwise requires—

“**Act**” includes subsidiary legislation made thereunder;

“**Commissioner**” means the Law Revision Commissioner appointed under section 3, and if no such person is currently appointed in Montserrat, means the Attorney General;

“**effective date**” is the date when the relevant revised edition comes into force, pursuant to section 10(3);

“**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 Montserrat prepared by the Law Revision Commissioner under the authority of this Act, 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 every page of a printed revised edition;

- (c) different revision dates may be marked upon different pages of the revised edition.

Appointment of Commissioner

3. (1) The Governor acting on the advice of Cabinet 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 Laws. (*Amended by Act 9 of 2011*)

(2) In case the Commissioner is unable, for any cause, fully to discharge his commission under this Act, the Governor acting on the advice of Cabinet may appoint some other fit and proper person to be the Commissioner in his stead. (*Amended by Act 9 of 2011*)

Complete revised edition

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

- (a) all Acts 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 Montserrat and which the Commissioner considers it desirable to include;
- (c) such treaties and conventions relevant to Montserrat which the Commissioner considers it desirable to include;
- (d) such laws of the former Federation of the West Indies that apply to Montserrat, and that are not omitted pursuant to section 6 or 8;
- (e) such introductory and explanatory material, and such tables and indexes as the Commissioner considers it desirable to include.

(2) A complete revised edition may be contained in such of the following formats as are specified by an Order of the Governor acting on the advice of Cabinet 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.

(*Amended by Act 9 of 2011*)

Revised booklets

5. (1) A revised booklet of the laws of Montserrat is a booklet that contains a revised edition of an Act 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 acting on the advice of Cabinet 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.

(Amended by Act 9 of 2011)

(4) Each revised booklet shall have the revision date endorsed on the cover page and on every other page.

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 Acts or parts of Acts 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 Acts and also all tables and lists of repealed enactments, whether contained in Schedules or otherwise;
 - (iii) all preambles to Acts where such omissions can, in the opinion of the Commissioner, conveniently be made;
 - (iv) all enactments prescribing the date when any Act or part thereof is to come into operation, where in the opinion of the Commissioner such omission can conveniently be made;
 - (v) all amending Acts, or parts thereof, where the amendments effected thereby have been embodied by the Commissioner in the Act to which they relate;
 - (vi) all enacting clauses;

- (b) to consolidate into one Act any two or more Acts 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 Act, 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 Act 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 Act from such Act to any other Act to which such enactment more properly belongs;
- (f) to divide any Act into parts or divisions;
- (g) to add a long or short title to any Act which may require it, or to alter the long or short title to any Act;
- (h) to supply, alter or delete marginal notes, headings or subheadings to any section or other part of any Act;
- (i) to correct grammatical, typographical, and other similar errors in any Act and for the purpose to make verbal additions, omissions or alterations not affecting the meaning of such Act;
- (j) to shorten or simplify the phraseology of any Act;
- (k) to make such adaptations of or amendments in any Act as may appear to be necessary or proper as a consequence of any constitutional changes in Montserrat or as a consequence of changes in the constitution of Commonwealth countries or in the composition of the Commonwealth;
- (l) to make such formal alterations to any Act as are necessary or expedient for the purpose of securing uniformity of expression;
- (m) to supply tables showing the arrangement of sections of any Act;
- (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 Act.

(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 Legislative Assembly.
(Amended by Act 9 of 2011)

(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 authorized.

Omission of certain laws

8. (1) The Commissioner shall omit from the complete revised edition of the Laws, the Acts and Subsidiary Legislation specified in the Schedules to this Act.

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

(3) Notwithstanding the omission of any Act 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 Act, such reference shall be construed, where necessary and practicable, as a reference to the revised version thereof published under the provisions of this Act.

Bringing revised edition into force

10. (1) A revised edition of the Laws prepared pursuant to this Act 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 acting on the advice of Cabinet under subsection (3) with respect to that revised edition.

(Amended by Act 9 of 2011)

(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;
- (b) deliver the signed copies to the Attorney General for the purpose of the making of an Order under subsection (3), and the Attorney General shall likewise sign the four copies and cause the copies to be submitted to the Governor;
- (c) following the making of an Order under subsection (3), deliver one of those copies to the Registrar of the Supreme Court and one to the Governor, for record keeping purposes, and shall lay the same before the Legislative Assembly.

(Amended by Act 9 of 2011)

(3) The Governor acting on the advice of Cabinet 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. *(Amended by Act 9 of 2011)*

(4) From the date named 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, without any question the sole authentic edition of the Laws of Montserrat 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 Act 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 Act or Subsidiary Legislation which has already been included in the revised edition of the Laws.

(5) When the first complete revised edition is published under the authority of this Act, the Commissioner shall, notwithstanding subsection (2), cause copies thereof to be permanently bound into volumes and shall deliver one copy each—

- (a) for record keeping purposes, to—
 - (i) the Governor;
 - (ii) the Clerk of the Legislative Assembly;
 - (iii) the Speaker of the Legislative Assembly;
 - (iv) the Attorney General;
 - (v) the Registrar of the High Court;
 - (vi) the Registrar of Deeds;

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- (vii) the Secretary of State;
- (viii) the Law Revision Commissioner;
- (b) to members of the Legislative Assembly for their use as members.

(Amended by Act 9 of 2011)

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 Act.¹

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 booklets, bound books, loose-leaf books, pages, CD ROM or other forms of electronic storage or otherwise shall be—

- (a) distributed among such persons, offices, departments and institutions, whether within or without Montserrat, as the Governor may direct;
- (b) offered for sale to the public at such price as the Governor acting on the advice of Cabinet may direct in an Order made under section 10(3); *(Amended by Act 9 of 2011)*
- (c) made accessible to remote computers in such manner, and upon such terms, as the Governor acting on the advice of Cabinet may direct in an Order made under section 10(3).
(Amended by Act 9 of 2011)

(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 whether within or without Montserrat, 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 Act 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.

¹ see S.R.O. 32/2000 regarding the Banking Interim Booklet that commenced on 18 February 2000

² see S.R.O. 6/2012 regarding Revised Edition Rectification Order

(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 the Order of the Governor acting on the advice of Cabinet under section 10(3). (*Amended by Act 9 of 2011*)

(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.

Offence

14. 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 two years.

FIRST SCHEDULE

(Section 8(1))

(*Inserted by S.R.O. 18/2005*)

All laws omitted in previous revised editions.

All laws which are temporary, personal, have had their effect, are spent or repealed.

Laws of the West Indies Federation adapted and continued in force after the dissolution of the Federation.

Agricultural Loan (Christian Action for Development in the Caribbean) Act 1974
 Aliens Restriction Ordinance, 1929
 Bethel Apostolic Assembly Church Incorporation and Vesting Act 1977
 British Caribbean Shipping (Agreement) Ordinance, 1955
 Cadet Corps Ordinance, 1958
 Caribbean Agricultural Research and Development Institute Act 1980
 Caribbean Free Trade Association (Ratification of Agreement) Act 1968
 Charitable Trust of Montserrat (Hurricane Relief) Act 1989
 Cinematograph Ordinance, 1959
 Citrate of Lime Ordinance, 1907
 Colony Survey Ordinance (Cap 245 1962 Revised Edition)
 Constitutions and Elections (Validation of Preliminary Voters List) Act 1986

Passengers Ordinance, 1899
Pensions (Increase) Act 1963
Plymouth Improvement Ordinance, 1897
Presidency Survey Ordinance, 1945
Produce Protection Ordinance, 1905
Produce Protection Ordinance, 1934
Produce Protection Ordinance, 1936
Prohibition of Imports (Infected Places) Ordinance, 1888
Public Health Ordinance, 1875
Public Health Ordinance, 1892
Public Notices Act (Cap 282 1962 Revised Edition)
Public Offices Ordinance (Cap 222 1962 Revised Edition)
Public Roads Survey Ordinance, 1892
Queen's Seamen's Clothing Act (Cap 66 1962 Revised Edition)
Recovery of Rent Act (Cap 68 1962 Revised Edition)
Regional Development Agency Agreement Act 1968
Roman Catholic Church Incorporation and Vesting Act 1976
Rum (Refund of Duty) Ordinance, 1922
Rum Duty Ordinance, 1889
Rum Duty Ordinance, 1907
Rural District Boards Ordinance, 1952
Safety Match Ordinance, 1927
Sale of Meat (Plymouth) Ordinance, 1907
Seventh Day Adventist Church Incorporation Act (Cap 294 1962 Revised Edition)
Silver Dollars Act (Cap 117 1962 Revised Edition)
Slaughter of Animals Ordinance, 1942
Statute Law (Repeal) (Federal Enactment) Act 1983
Sturge Park Ordinance, 1938
Supreme Court Civil Procedure Rules 2000
Tariff Collection Ordinance, 1893
Tariff Collection Ordinance, 1935
Textiles Quota (Amendment) Ordinance, 1937
Textiles Quota Ordinance, 1934
Thompson Field Sports Complex (Loan) Act 1993
Title by Registration (Webb's Land) Ordinance, 1960
Water Rates (Enabling) Act 1975
Wesleyan Methodist (Vesting of Property) Ordinance (Cap 295 1962 Revised Edition)
White Phosphorus Matches Prohibition Ordinance, 1910
Wills (Soldiers and Sailors) Act (Cap 85 1962 Revised Edition)

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 enactment 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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INTERIM REVISED EDITION COMMENCEMENT ORDER – SECTION 10

(S.R.O. 24/2000)

Commencement

[18 February 2000]

Short title

1. This Order may be cited as the Interim Revised Edition Commencement Order.

Commencement of revised edition

2. On 18 February 2000 the revised editions of the laws of Montserrat contained in the bound revised booklets named in the schedule to this Order shall, subject to the Act, come into force as the sole authentic edition of the laws of Montserrat in respect of the law contained in those booklets as at the revision date of 1 December 1999.

SCHEDULE

Banking Act
Criminal Procedure Code
Electrical Installations Act
Emergency Powers
Finance (Control and Audit) Act
Fiscal Incentives Act
Immigration Act
Income Tax Act
Interpretation Act
Land Acquisition Act
Land Adjudication Act
Landholding Control Act
Land Survey Act
Magistrate's Court Act
Penal Code
Pensions Act
Physical Planning Act
Registered Land Act
Small Enterprises Development Act
Supreme Court Act

**REVISED EDITION (FORMAT AND
COMMENCEMENT) ORDER - SECTIONS 4 AND 10**

(S.R.O. 17/2005)

Commencement

[15 April 2005]

Short title

1. This Order may be cited as the Revised Edition (Format and Commencement) Order.

Format of Revised Edition

2. It is hereby declared that the complete Revised Edition of the Laws of Montserrat showing the law as at 1 January 2002 prepared in accordance with the Revised Edition of the Laws Act are contained in—

- (a) 12 bound volumes;
- (b) CD ROM;

copies of which have been signed by the Law Revision Commissioner and the Attorney General pursuant to section 10(2) of the said Act; and,

- (c) A collection of bound booklets containing a revised edition of Acts and related subsidiary legislation; and
 - (d) A collection of loose-leaf pages containing a revised edition of Acts or subsidiary legislation, designed for insertion in a binder.
-

REVISED EDITION PRICE ORDER - SECTIONS 10 AND 12

(S.R.O.s. 21/2005 and 51/2005)

Commencement

[22 April 2005]

Short title

1. This Order may be cited as the Revised Edition Price Order.

Price of revised edition

2. The revised edition showing the laws at 1 January, 2002 and brought into force on 15 April, 2005 pursuant to the Revised Edition Commencement Order, shall be offered for sale to the public at the following prices—

(a) complete set of bound volumes	US\$1,875.00
(b) complete set on CD ROM	US\$1,200.00
(c) One (1) empty loose-leaf binder	US\$120.00
(d) per page (hard copy)	US\$1.00
(e) per page (electronic copy)	US\$0.50

(Amended by S.R.O. 51/2005)

REVISED EDITION COMMENCEMENT ORDER - SECTION 10

(S.R.O. 52/2009)

Commencement

[15 October 2009]

Short title

1. This Order may be cited as the Revised Edition Commencement Order.

Commencement of revised edition

2. On 15 October, 2009 the revised edition of the laws of Montserrat contained in the bound revised booklets showing the law at 1 January, 2008 and set out in the schedule to this Order shall come into force as the sole authentic edition of the laws of Montserrat in respect of the laws contained in those booklets as at the revision date of 1 January, 2008.

SCHEDULE

<i>No.</i>	<i>Chapter No.</i>	<i>Title of Booklet</i>
1.		Preliminary Booklet 2008
2.	01.01	Constitution of Montserrat
3.	01.02	Interpretation Act
4.	01.03	Revised Edition of The Laws Act
5.	01.04	Elections Act
6.	01.05	Legislators' Conditions of Service Act
7.	01.06	Public Service Commission Act
8.	02.11	Juveniles Act
9.	04.02	The Penal Code
10.	04.04	Proceeds of Crime Act
11.	04.06	Criminal Justice (International Co-operation) Act
12.	04.08	Drug Trafficking Offences Act
13.	06.03	Distribution and Price of Goods Act
14.	06.13	Registration of Births and Deaths Act
15.	06.17	Governor's Salary and Allowances Act
16.	07.05	Aviation Act

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<i>No.</i>	<i>Chapter No.</i>	<i>Title of Booklet</i>
17.	07.06	Road Traffic Act
18.	07.09	Port Authority Act
19.	08.01	Registered Land Act
20.	08.02	Landholding Control Act
21.	08.03	Physical Planning Act
22.	08.06	Montserrat Land Development Authority Act
23.	08.09	Land Survey Act
24.	08.11	Crown Title Act
25.	10.02	Firearms Act
26.	10.04	Prison Act
27.	10.08	Emergency Powers
28.	10.15	Parole of Prisoners Act
29.	10.16	National Services Act
30.	11.01	Securities Act
31.	11.03	Banking Act
32.	11.04	International Banking and Trust Companies Act
33.	11.10	Limited Partnership Act
34.	11.12	Companies Act
35.	11.13	International Business Companies Act
36.	11.15	Exchange Control Act
37.	11.16	Exchange of Information Act
38.	11.17	Mutual Funds Act
39.	11.20	Insurance Act
40.	11.21	Co-operative Societies Act
41.	11.26	Company Management Act
42.	11.28	Bank Interest Levy Act
43.	11.29	Loans (Caribbean Development Bank) Act
44.	12.03	Forestry, Wildlife, National Parks and Protected Areas Act
45.	13.01	Immigration Act
46.	13.09	Undesirable Persons Expulsion Act
47.	14.03	Mental Treatment Act

<i>No.</i>	<i>Chapter No.</i>	<i>Title of Booklet</i>
48.	14.05	Nurses and Midwives Act
49.	14.12	Burials Grounds Act
50.	14.14	Antibiotic and Therapeutic Substances Act
51.	15.04	Fiscal Incentives Act
52.	15.15	External Trade Act
53.	15.25	Weights and Measures Act
54.	16.01	Education Act
55.	16.02	Universities and Colleges (Licensing and Accreditation) Act
56.	16.06	Montserrat Community College Act
57.	16.07	Institute of Chartered Accountants of the Eastern Caribbean Agreement Act
58.	17.01	Income and Corporation Tax Act
59.	17.02	Stamp Act
60.	17.05	Custom Duties and Consumption Tax Act
61.	17.06	Customs Service Tax Act
62.	17.07	Finance (Administration) Act
63.	17.12	Foreign Currency Levy Act
64.	17.16	Property Tax Act
65.	17.23	Customs (After Hours Work) Act
66.	18.01	Montserrat Utilities Limited (MUL) Act
67.	18.02	Licensing of Utility Services Act
68.	18.08	Telecommunications Act
69.	18.09	Social Security Act
70.	18.11	Post Office Act

