

A BILL

entitled

INTERPRETATION AMENDMENT ACT 2018

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WHEREAS it is expedient to amend the Interpretation Act 1951 in relation to the gazetting of statutory instruments and other Government notices, and the commencement of Acts, and in consequence to repeal the Acts of the Legislature and Government Notices (Publication and Commencement) Acts 1827-1944;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act may be cited as the Interpretation Amendment Act 2018.

Amends section 7

2 In section 7 of the Interpretation Act 1951 ("the principal Act"), delete the definition of "the Gazette" and substitute—

“the Gazette” has the meaning given in section 7A;”.

Inserts section 7A

3 After section 7 of the principal Act, insert—

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“The Gazette

7A (1) In every Act and in every statutory instrument, “the Gazette” means—

- (a) the Official Gazette of Bermuda (including any Special Gazette or Gazette Extraordinary) published by authority; or
- (b) the publication (whether printed or electronic) appointed for the time being by the Government by notice in the Gazette to be the publication in which Government notices are to be published by authority; and different publications may be appointed for—
 - (i) statutory instruments published in accordance with the Statutory Instruments Act 1977; and
 - (ii) other Government notices,

and any reference in any enactment to the Gazette being a newspaper shall be read as including other types of publication so appointed.

(2) Where by or under any Act or other provision of law it is required (whatever words are used) that a Government notice shall be published—

- (a) in a newspaper or in more than one newspaper; or
- (b) in the Gazette and in a newspaper or newspapers,

then, notwithstanding such requirement, it shall be deemed sufficient in law if that Government notice is published in the Gazette and not in any newspaper.

(3) In this section, “Government notice” means any instrument, notice, or announcement, of whatever kind or description, published by or under the authority of the Governor or of any other public authority.”

Inserts section 12A

4 After section 12 of the principal Act, insert—

“Date of commencement of Act

12A (1) Subject to section 35(3) of the Constitution (assent by Her Majesty), an Act shall be deemed and taken to come into operation from the day on which it is assented to by the Governor, unless—

- (a) a different commencement date is expressed in the Act; or
- (b) there is provision for the Act to be brought into operation on a date appointed by a commencement notice.

(2) Where an Act contains provision for it to be brought into operation on a date appointed by a commencement notice, different dates may be appointed for different provisions of the Act.”

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Amends section 27

5 At the end of section 27 of the principal Act, insert—

“(3) Notices under this section are not subject to Parliamentary scrutiny under the Statutory Instruments Act 1977.”

Consequential amendments

6 The Minister responsible for justice may, by regulations subject to the negative resolution procedure, make such amendments as are necessary in any enactment as a result of the amended definition of “Gazette” inserted by section 3.

Repeal

7 The Acts of the Legislature and Government Notices (Publication and Commencement) Acts 1827-1944 (which are superseded by new section 7A(2) and (3) inserted by section 3, and by new section 12A(1) inserted by section 4) are repealed.

Commencement

8 This Act comes into operation on such date as the Minister responsible for justice appoints by notice published in the Gazette, and different dates may be appointed for different provisions.

INTERPRETATION AMENDMENT BILL 2018

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Interpretation Act 1951 (“the principal Act”) in relation to the gazetting of statutory instruments and other Government notices, and the commencement of Acts, and to make consequential amendments and repeals.

Clause 1 is self-explanatory.

Clause 2 amends section 7 of the principal Act by deleting the definition of “the Gazette” and replacing it with a signpost to new section 7A inserted by clause 3.

Clause 3 inserts new section 7A into the principal Act. Subsection (1) replaces the definition of “the Gazette” that was in section 7 of the principal Act. Paragraph (a) is unchanged. Paragraph (b) allows for publication otherwise than in a newspaper as currently prescribed ie print or electronic publication. The revised definition also allows for different types of publication for statutory instruments and other Government notices. It is anticipated that statutory instruments (BRs) will be published on the website of Bermuda laws maintained by the Attorney General’s Chambers under the Computerization and Revision of Laws Act 1989 (www.bermudalaws.bm), and that other Government notices will be published on an e-Gazette page on the Government portal (www.gov.bm). Subsection (1) also provides that references in any enactment to the Gazette being a newspaper shall be read as including other types of publication appointed under this section. Subsections (2) and (3) restate and update section 2 of the Acts of the Legislature and Government Notices (Publication and Commencement) Acts 1827-1944 to allow for all Government notices to be published in the Gazette even if the statutory requirement is to publish in a newspaper, more than one newspaper, or the Gazette and a newspaper.

Clause 4 inserts new section 12A into the principal Act. Subsection (1) restates and updates section 1 of the Acts of the Legislature and Government Notices (Publication and Commencement) Acts 1827-1944. Subsection (2) provides that where an Act contains provision for it to be brought into operation on a date appointed by a commencement notice, different dates may be appointed for different provisions of the Act.

Clause 5 amends section 27 of the principal Act by inserting a new subsection (3), which clarifies that delegation notices are not subject to Parliamentary scrutiny under the Statutory Instruments Act 1977.

Clause 6 provides for the making of consequential amendments necessary as a result of the amended definition of “Gazette”.

Clause 7 repeals the Acts of the Legislature and Government Notices (Publication and Commencement) Acts 1827-1944 (which are superseded by new section 7A(2) and (3) inserted by section 3 and by new section 12A(1) inserted by section 4).

Clause 8 provides for commencement.