



Tuvalu

TUVALU LAW REVISION ACT

2022 Revised Edition

CAP. 1.08



Tuvalu

TUVALU LAW REVISION ACT

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Tuvalu

TUVALU LAW REVISION ACT

AN ACT TO MAKE PROVISION FOR THE CONSOLIDATION AND REVISION OF THE LAWS OF TUVALU; FOR THE PUBLICATION OF A NEW REVISED EDITION OF THE LAWS OF TUVALU, FOR THE PERIODIC UPDATING OF THE REVISED EDITION IN VARIOUS FORMATS, AND FOR RELATED PURPOSES¹

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PART 1 — PRELIMINARY

1 Short title

This Act may be cited as the Tuvalu Law Revision Act.

2 Commencement

This Act shall commence on the date specified by the Attorney-General in an Order published in the manner prescribed in the Interpretation Act, and different dates may be so specified for different parts of this Act.

3 Interpretation

In this Act —

“**Commissioner**” means the Law Revision Commissioner appointed under section 4;

“**effective date**”, in relation to a revised edition, means the date that the edition is brought into force under section 10;

“**law**” and “written law” means an Act, Ordinance or subsidiary legislation;

“**Notice in the *Gazette***” means a Notice or other instrument published by exhibition at the Government Office Building, Vaiaku, Funafuti and in due course be printed in the *Gazette*;

“**page**”, in relation to a revised edition in the format of a CD-ROM or other means of electronic storage or a databank accessible by remote computer, includes any separate item of text;

“**revised edition**” means a complete revised edition of the laws of Tuvalu or an update of such an edition;

“**revision date**”, in relation to a revised edition, is the date up until which that edition is current.

4 Appointment of Law Revision Commissioner

- (1) The Attorney-General may, by Notice in the *Gazette*, appoint a person to be the Law Revision Commissioner for the purposes of this Act.
- (2) In the event that there is no person presently appointed and willing to act as Law Revision Commissioner, then the Attorney-General shall be ex officio the Law Revision Commissioner.

PART 2 — LAW REVISION

5 Law Revision functions of the Commissioner

- (1) The Commissioner, in accordance with this Act —
 - (a) shall prepare and bring into force a complete revised edition of the law in the English language;
 - (b) may maintain the edition by preparing and bringing into force updates;
 - (c) may prepare and publish other material under section 14.
- (2) In the exercise of his functions, the Commissioner shall comply with any directions of the Cabinet, communicated to him in writing by the Attorney General.

6 Contents of revised edition

- (1) A complete revised edition shall contain —
 - (a) all laws passed or made in Tuvalu that are in force on the revision date and that are not omitted under section 7;

- (b) such laws of the Parliament of the United Kingdom and Orders in Council which apply to Tuvalu and which the Commissioner considers it desirable to include;
 - (c) such treaties and conventions relevant to Tuvalu which the Commissioner considers it desirable to include;
 - (d) an index of its contents; and
 - (e) such introductory and explanatory material and such tables as the Commissioner considers it desirable to include.
- (2) If a revised edition contains a law adopting or applying a treaty or convention to Tuvalu, with or without modifications, the Act, treaty or convention may be reproduced in the revised edition with any such modifications, which shall be clearly indicated by the use of brackets and notes or similar means.

7 Laws to be omitted from revised edition

- (1) The Commissioner shall omit from a revised edition the laws specified in Schedule 1.
- (2) A revised edition shall indicate any law omitted pursuant to this section.

8 Revision powers of Commissioner

- (1) Subject to subsections (2) and (3), in the preparation of a revised edition the Commissioner shall have the powers of revision described in Schedule 2.
- (2) Nothing may be done under this section that would alter the effect of any law.
- (4) The Attorney-General may by Regulations amend Schedule 2.

9 Format and marking of revised edition

- (1) A revised edition may be contained in such of the following formats as the Commissioner thinks fit —
 - (a) bound books;
 - (b) a collection of booklets;
 - (c) loose-leaf books;
 - (d) CD-ROM or other means of electronic storage;
 - (e) a databank accessible by remote computer.
- (2) The revision date of a revised edition shall be —
 - (a) marked upon every page of a revised edition in printed format; and
 - (b) displayed upon every page of a revised edition in any other format, in such manner that it is also marked upon a printed copy of that page.

- (3) Different revision dates may be marked or displayed upon different pages of a revised edition.

10 Bringing revised edition into force

- (1) The Commissioner may bring a revised edition into force by —
 - (a) signing 4 copies of a revised edition prepared in accordance with this Act, in one or more of the formats mentioned in section 9, as the authoritative version of the law on the revision date; and
 - (b) publishing a Notice in the *Gazette* —
 - (i) bringing that edition, in that format or those formats, into force on a date specified in the notice, and
 - (ii) where the format is a databank accessible by remote computer, specifying the manner in which it may be accessed.
- (2) Where a revised edition is brought into force in the format of a CD-ROM or other means of electronic storage or a databank accessible by remote computer, the Commissioner may, as an alternative to signing the copies electronically, sign a printout from it of the revised edition.

11 Publication and distribution of revised edition

- (1) When a revised edition is brought into force under section 10, the Commissioner shall deliver one copy each, in each format in which the edition is brought into force, to —
 - (a) The Governor General;
 - (b) the Attorney-General;
 - (c) the Chief Justice of the Supreme Court; and
 - (d) the Speaker of the Parliament.
- (2) The Commissioner shall —
 - (a) offer for sale copies of a revised edition brought into force in the format of booklets, bound books, loose-leaf books, pages or CD-ROM or other means of electronic storage; and
 - (b) make a revised edition brought into force in the format of a databank accessible to remote computers available upon such terms as the Commissioner may determine.
- (3) The Commissioner may offer for sale or make accessible to remote computers, on such terms as the Commissioner may determine, copies of a revised edition in a format other than the format in which it is brought into force.
- (4) Without prejudice to subsections (2) and (3), the Commissioner may enter into any agreement for the sale of copies of a revised edition by any publisher

or bookseller and for the inclusion of a revised edition in a databank or publication, whether in Tuvalu or elsewhere, as may appear to be expedient.

12 Status and effect of revised edition

- (1) From the effective date, a revised edition prepared in accordance with this Act, in a format in which it is brought into force under section 10, shall be deemed to be, in all courts of justice and for all purposes whatsoever, the sole authentic edition of the laws of Tuvalu, in respect of the law contained in it and in force on the revision date.
- (2) Subsection (1) shall not affect the operation of any law which comes into force after the revision date and which repeals, alters or amends any law included in the revised edition.
- (3) A reference in any law to another law or provision amended or otherwise affected by the operation of this Act shall be construed, where necessary and practicable, as a reference to the revised version of the other law contained in the revised edition.
- (4) A reference in any document to a law or provision amended or otherwise affected by the operation of this Act shall be construed, unless the contrary intention appears, as a reference to the revised version of the other law contained in the revised edition.
- (5) The omission, by virtue of section 7 or paragraph 1 of Schedule 2, of a law from a revised edition brought into force under section 10 shall not affect the operation of that law, which shall remain in force until it has been repealed or has expired, become spent or had effect, as the case may be, and may be proved by the production of any copy of it by which it could have been proved before the revised edition is brought into force.
- (6) Subsection (1) shall not apply to a copy of a revised edition brought into force under section 10 where the copy is in a format other than a format in which the edition was brought into force.

13 Updating of revised edition

- (1) A revised edition brought into force under section 10 may be updated as provided in this section so as to add or incorporate any law or the effect of any law which comes into force after the revision date.
- (2) A revised edition in the form of a bound booklet, bound book, CD-ROM or other means of electronic storage, may be updated by its entire replacement.
- (3) A revised edition in loose-leaf format may be updated by the replacement of pages or the insertion or deletion of pages.
- (4) A revised edition in the form of a databank that is accessible by remote computer may be updated by the amendment of part or the whole of that

databank and the consequent replacement of the current version of the databank.

- (5) A replacement, insertion, deletion or amendment pursuant to this section shall have no effect unless it is brought into force under section 10.
- (6) A replacement, insertion, deletion or amendment pursuant to this section which is brought into force under section 10 shall have the status and effect described in section 12.

14 Unofficial publications

- (1) The Commissioner may publish, in the form of an internet site, CD-ROM or other means of electronic storage a collection of the laws of Tuvalu which contains laws, or the effect of laws, made after the revision date.
- (2) A publication referred to in subsection (1) shall contain a prominent notation to the effect that the publication is not the official version of the laws of Tuvalu and such publication shall have no effect upon the definitive status of the revised edition under section 12.

15 Correction of minor errors and omissions

- (1) If any clerical or printing error in or omission from a revised edition brought into force under section 10 is found, the Commissioner —
 - (a) may correct the same in such manner as may be consistent with the powers of revision conferred on him by section 8(1); and
 - (b) shall give Notice in the *Gazette* of any corrections so made.
- (2) No error in or omission from a revised edition brought into force under section 10 shall affect the validity or lawfulness of any act or omission by any person which would otherwise have been valid or lawful.

16 Keeping of laws passed or made in Tuvalu

The Attorney-General shall —

- (a) keep a copy of every law made after this Act comes into force —
 - (i) on CD-ROM or in any other form of electronic storage; or
 - (ii) on a databank; and
- (b) make every such copy available to the Commissioner by, according to the format of the copy, providing a copy of it on CD-ROM or in any other form of electronic storage or making the databank on which it is kept accessible to the Commissioner.

17 Offence

- (1) A person who knowingly makes any alteration to a revised edition, with the intent to deceive any person as to the true text of the law, shall be guilty of an offence and liable to imprisonment for a term of 5 years and a fine of \$10,000.
- (2) Subsection (1) applies whether the alteration is made in Tuvalu or elsewhere.

PART 3 — TRANSITIONAL**18 Repeal**

The Revised Edition of the Laws Act 1977 is repealed; but this repeal does not affect the validity of anything done under it or the continuing validity of the revised editions published under that Act.

SCHEDULE 1

(Section 7)

OMITTED LAWS

The following laws shall be omitted from a revised edition —

- (a) private laws and laws conferring pensions or gratuities on individual persons;
- (b) Appropriation Acts;
- (c) laws of a temporary nature, limited application or under revision;
- (d) laws the carrying into effect of whose provisions is doubtful;
- (e) laws according acts of incorporation or converting trusts to public trusts;
- (f) subsidiary legislation made under an Act omitted under paragraph (a) to (e);
- (g) subsidiary legislation of temporary effect or which does not appear to the Commissioner to be of sufficient importance to be included;
- (h) laws omitted from an earlier revised edition of the Laws of Tuvalu.

SCHEDULE 2

(Section 8)

POWERS OF REVISION

1. In the preparation of a revised edition, the Commissioner shall have power to omit —
 - (a) any law passed or made in Tuvalu or any part of such a law which has been expressly and specifically repealed or which has expired or has become spent or has had its effect;
 - (b) any repealing provision contained in a law passed or made in Tuvalu and also any table or list of repealed laws;
 - (c) the preamble to any law passed or made in Tuvalu where such omission can, in the opinion of the Commissioner, conveniently be made;
 - (d) any law passed or made in Tuvalu or any provision of such a law bringing a law or provision of a law into operation where, in the opinion of the Commissioner, such omission can conveniently be made;
 - (e) any amending law passed or made in Tuvalu or any provision of such a law, where the amendments effected by it have been embodied by the Commissioner in the law to which they relate;
 - (f) any words of enactment.
2. In the preparation of a revised edition, the Commissioner shall have power, in respect of any law, to —
 - (a) arrange the laws in such order or manner and in such groups as the Commissioner may determine;
 - (b) add a short title to a law which does not have one, alter the long or short title of any law or alter the title of any law;
 - (c) consolidate or split laws or move a provision from one law to another such law in which the provision more properly belongs;
 - (d) rearrange the provisions of any law or any list in a provision of a law;
 - (e) add a table of contents or destinations to a law;
 - (f) add a heading to a provision of a law that does not have one and alter any heading to a provision or part of a law;
 - (g) omit any Schedule, map, picture, drawing, diagram or other object;
 - (h) change any reference to a person, office, body, place or thing to reflect a change of name, transfer of function or provision for construction of the reference;

- (i) make such adaptations and amendments as may appear necessary or proper as a consequence of constitutional or other changes in Tuvalu or any other place or territory or in or to any body or organization outside Tuvalu;
- (j) change any words to make them gender neutral;
- (k) change any reference to an office established by law to make it gender neutral;
- (l) correct any typographical error or other error of spelling, punctuation, grammar or layout;
- (m) change spelling, punctuation and layout;
- (n) change expressions of date, money, number, time and units of measurement;
- (o) change conjunctives and disjunctives at the end of a provision of a law;
- (p) omit any obsolete or redundant words;
- (q) alter any words to secure uniformity of expression in a law;
- (r) shorten or simplify any phrase or sentence;
- (s) add numbering where there is none and change numbering to correct an error or reflect any other change made under this section;
- (t) substitute for a reference to a law or provision of a law which has been re-enacted or replaced, whether with or without modifications, a reference to the law or provision re-enacting or replacing it;
- (u) change a cross reference to a law or provision of a law to correct an error or reflect any other change made under this section;
- (v) include examples, notes, annotations, references to case law and other similar material designed to better explain and present the law,

and to do all other things which appear to the Commissioner to be necessary to render the revised edition consistent with current law drafting practice and to perfect the revised edition.

ENDNOTES

¹ Act 1 of 2008