



REPUBLIC OF NAURU

LAW REVISION AND CONSOLIDATION ACT 2019

No. 10 of 2019

An Act to provide for the revision and consolidation of the written laws of the Republic, for the establishment of the Office of the Law Revision Commission and for the authorised publication and distribution of the revised and consolidated laws in print and electronic formats and for related purposes

Certified: 11th June 2019

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Enacted by the Parliament of Nauru as follows:

PART 1 – PRELIMINARY

1 Short Title

This Act may be cited as the *Law Revision and Consolidation Act 2019*.

2 Commencement

This Act commences upon certification by the Speaker.

3 Definitions

In this Act:

‘Act’ means an Act of the Parliament of Nauru;

‘Commissioner’ means the person appointed under section 7;

‘Department’ means the Department for Justice;

‘effective date’ means the date that the revised editions are brought into force under this Act;

‘loose-leaf’ means a collection of the written laws not bound but available on a continuous roll in a ring binder which is capable of being updated by insertion;

‘Minister’ means the Minister for Justice;

‘revision date’ in relation to a revised edition, is the date to which the written laws are updated and published;

‘revised edition’ means the revised and consolidated version or an update of an earlier revised edition of written laws in accordance with this Act;

‘subsidiary legislation’ includes regulations, proclamations, orders, rules and notices having legislative effect and any other form of subordinate legislation;

‘written law’ includes the Constitution, Acts of Parliament, an adopted Act and subsidiary legislation.

PART 2 – LEGISLATIVE DRAFTING FUNCTION

4 Legislative drafting function vested with Department

The Department is vested with the following functions:

- (a) to draft Bills;
- (b) to draft subsidiary legislation;
- (c) to educate and disseminate information pertaining to Bills or written laws to the public;

- (d) to provide explanation or information to the Cabinet or the Members of Parliament in relation to any Bill or written law;
- (e) to publish written laws including Bills for the purposes of updating and maintaining RONLAW or any other website;
- (f) to perform functions under this Act as directed by the Minister; and
- (g) to cause the gazettal of written laws after certification by the Speaker or approval by the Cabinet or any other person.

PART 3 – POWER TO AUTHORISE REVISION AND CONSOLIDATION OF WRITTEN LAWS

5 Minister to authorise revision and consolidation

- (1) The Minister in consultation with the Cabinet may from time to time authorise the revision and consolidation of the written laws in accordance with this Act.
- (2) The Minister in authorising under subsection (1) shall:
 - (a) prescribe the period for the consolidation and the effective date on which the revised edition of the written laws is to be brought into force;
 - (b) direct the form and manner and frequency of the publication and distribution of the revised edition of the written laws;
 - (c) require a reprint of the Constitution; and
 - (d) require that a notation be made to indicate the Department or agency which is vested with the responsibility of administering a particular written law under the *Administrative Arrangements Act 2011*.
- (3) The official language for the revision and consolidation of the written laws shall be in English unless the Minister approves another version to be in the Nauruan language.

PART 4 – LAW REVISION COMMISSION

6 Establishment of Office of Law Revision Commission

- (1) There shall be established an Office of the Law Revision Commission.
- (2) Subject to subsection (3), a Law Revision Commissioner may constitute the Office of the Law Revision Commission and may be appointed from time to time for the purposes of the revision and consolidation of the written laws.
- (3) In the absence of a Law Revision Commissioner under subsection (2), the Minister may establish a Law Revision Commission consisting of the:
 - (a) Secretary for Justice;
 - (b) Clerk of Parliament;

- (c) Solicitor General; and
- (d) Principal Legislative Drafter.
- (4) The Commission in subsection (3) shall have the same powers as the Law Revision Commissioner in subsection (2).
- (5) The Commission shall, under the direction of the Minister, perform the duties imposed on the Commission under this Act.
- (6) The Minister may in consultation with the Cabinet appoint such other persons to assist the Commission in the discharge of its functions.

7 Appointment of Commissioner

For the purposes of section 6(2), the President in consultation with the Cabinet may from time to time appoint a Law Revision Commissioner for the revision and consolidation of the written laws.

8 Functions of the Commission

The functions of the Commission shall include:

- (a) collating, recording and storing of current and historical legislation;
- (b) revising the written laws;
- (c) consolidating the written laws;
- (d) in consolidating the written laws, to collate and compile the written laws in electronic and print form;
- (e) preparing a complete revised edition in the English language unless required in the Nauruan language;
- (f) updating the revised edition periodically or annually; and
- (g) ensuring written laws are properly gazetted.

9 Powers of Commission

- (1) The Commission shall have all such powers as may be necessary to carry out its functions under this Act.
- (2) In the exercise of its powers under this section, the Commission may not make any amendment to a written law so as to affect the substance or meaning of any of its provisions.
- (3) The Commission shall have the power to omit:
 - (a) Appropriation Acts;
 - (b) laws of a temporary nature, limited application or under revision;