



ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER I25

INTERPRETATION AND GENERAL CLAUSES ACT

Showing the Law as at 15 December 2010

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—

Act 8/2003, in force 14 November 2003

Act 8/2010, in force 29 October 2010

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INTERPRETATION AND GENERAL CLAUSES ACT**TABLE OF CONTENTS****APPLICATION****SECTION**

1. Application of Act

GENERAL PRINCIPLES OF INTERPRETATION

2. Interpretation of certain terms
3. General interpretation of gender, number and parts of speech
4. Reference to public officers by title of office
5. References to Crown
6. Computation of time
7. Provisions when no time prescribed
8. Measurement of distances
9. References in Acts and regulations
10. Definitions in law to apply subject to context

COMMENCEMENT AND CITATION OF LAWS

11. Time when law comes into operation
12. Coming into force of Acts
13. Acts to be public Acts
14. Sections to be substantive enactments
15. Citation of original or revised Acts
16. Citation to include amendments

PROVISIONS AS TO REPEALS

17. Repeal of a repealing enactment
18. Repeal and substitution
19. Effect of repeal
20. Effect of repeal on regulations
21. Construction of amending law with amended law

GENERAL PROVISIONS RESPECTING STATUTORY INSTRUMENTS

22. Provision respecting power given to any authority to make, issue or give statutory instruments

COMMENCEMENT AND PUBLICATION
OF REGULATIONS AND RELATED MATTERS

- 23. Commencement of regulations
- 24. Regulations imposing fees approved in budget may be retroactive
- 25. Dispensing with publication
- 26. Effect of publication
- 27. Judicial notice
- 28. Repeal of regulation when power to make it repealed
- 29. Acts done under statutory instrument deemed to be done under law by which statutory instrument authorised

PROVISIONS AS TO POWERS

- 30. Exercise of statutory powers between passing and commencement of Act
- 31. Construction of provisions as to exercise of powers and duties
- 32. Power to appoint includes power to remove, etc.
- 33. Power of Governor to provide for execution of duties of public officers during temporary absence or inability
- 34. Power to Governor to appoint public officers as such to serve on boards, etc., and to appoint chairman
- 35. Appointment of officers by name or office
- 36. Change in title of public office
- 37. Effect of vacancy in membership of board, defect in qualification, etc.
- 38. Construction of enabling words
- 39. Power of majority of more than two persons
- 40. Appointment of successor to office during leave of absence prior to retirement of substantive holder
- 41. Provisions as to offences under two or more laws
- 42. Attempt to commit an offence to be deemed an offence

PROVISIONS AS TO PENALTIES

- 43. Penalties prescribed to be maximum penalties; statement of penalty at foot of section
- 44. Disposal of forfeits
- 45. Imposition of penalty not to bar civil action

MISCELLANEOUS

- 46. U.K. Acts to be read with necessary modifications
- 47. Evidence of signature of Governor and Attorney General
- 48. *Gazette* to have “by authority” printed on it
- 49. Government Printer
- 50. Forms
- 51. Amendment or repeal in same session
- 52. Saving of rights of the Crown
- 53. Act binding on Crown
- 54. Citation

INTERPRETATION AND GENERAL CLAUSES ACT

APPLICATION

Application of Act

1. This Act applies to every Act and statutory instrument whether enacted before or after the 28th February, 1955.

GENERAL PRINCIPLES OF INTERPRETATION

Interpretation of certain terms

2. (1) In this Act and in all other laws, and in all public documents, enacted, made or issued before or after the 28th February, 1955, 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—

“Accountant General” means the Accountant General of Anguilla and includes every person for the time being acting as Accountant General in his stead;

“Act”, when used in relation to legislation, shall include Ordinance, or private Act or Ordinance of the Legislature and any regulation made under the authority of any Act or Ordinance;

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

“Anguilla” means the island of Anguilla and includes the islands of Sombrero and the rocks and islands adjacent to Sombrero and Anguilla;

“Assembly” or “House of Assembly” means the House of Assembly of Anguilla;

“Attorney General” means the Attorney General of Anguilla;

“British citizen” means a person who has the status of a British citizen under the British Nationality Act 1981;

“British Dependent Territories citizen” means a person who has the status of a British Dependent Territories citizen under the British Nationality Act 1981;

“British Overseas citizen” means a person who has the status of a British Overseas citizen under the British Nationality Act 1981;

“British possession” means any part of Her Majesty’s dominions other than the United Kingdom, and shall be deemed to include India, South West Africa; any territory under Her Majesty’s protection, or any territory administered by the Government of any part of Her Majesty’s dominions under the trusteeship system of the United Nations;

“British subject” means a person who has the status of a British subject under the British Nationality Act 1981;

“Christian name” means any name prefixed to a surname whether received in Christian baptism or otherwise;

“coin” means any coin legally current in Anguilla;

“commencement”, when used with reference to a law, means the date on which the law comes into force;

“committed for trial”, when used in relation to any person, means committed to prison with the view of being tried before a judge and jury by any authority having power to commit a person to prison with a view to his trial, and includes a person who is admitted to bail upon a recognizance to appear and take his trial before a judge and jury;

“common law” means so much of the common law of England (disregarding any supersession, modification or variation as respects its operation in England by reason of any enactment of the Parliament of the United Kingdom) as has effect from time to time in Anguilla;

“Commonwealth citizen” means a person who has the status of a Commonwealth citizen under the British Nationality Act 1981;

“Comptroller of Inland Revenue” means the Comptroller of Inland Revenue of Anguilla and includes any person acting as Comptroller of Inland Revenue;

(Act 8/2010, s. 1)

“constable” means a constable defined in the Anguilla Police Act and includes a local constable appointed under the Local Constables Act;

“Consul” or “consular officer” includes Consul General, Consul, Vice-Consul, Consular Agent and any person for the time being authorised to discharge the duties of a Consul General, Consul or Vice-Consul;

“contravene” when used in relation to any requirement or condition prescribed in any law, or in any permit, licence, or other authority, granted under or in pursuance of any law, includes a failure to comply with the requirement or condition;

“court” means any court of Anguilla of competent jurisdiction;

“Court of Appeal” means the Court of Appeal established by the Supreme Court Order;

“Crown Agents” means the persons for the time being acting in the United Kingdom as the Crown Agents for Overseas Governments and Administrations;

“day” means a full day of 24 hours, and, when used in relation to any act or omission or occurrence, shall commence at the first moment of the day on which such act, omission or occurrence is done or happens after midnight of the previous day and shall end at the last moment of the day on which such act, omission or occurrence is done or happens before midnight of such last-mentioned day;

“dollar” means the Eastern Caribbean dollar;

“Dominion” means a Dominion as defined in the Statute of Westminster, 1931;

“*Gazette*” means the official Gazette for the time being of Anguilla;

“gazetted” means published in the *Gazette*;

“government agency” means a government agency as defined in the Financial Administration and Audit Act;

(Act 8/2003, s. 75)

“Government officer” means any person for the time being in the employment of the Government of Anguilla;

“Government Printer” means any printer for the time being authorised to print the *Gazette* or any laws;

“Her Majesty” or “His Majesty”, the “Queen” or the “King” or the “Crown” means Her Majesty the Queen or His Majesty the King, the Sovereign for the time being of the United Kingdom and all British possessions, and includes the predecessors and the heirs and successors of such Queen or King;

“High Court” means the High Court established by the Supreme Court Order;

“house” includes any messuage, part of a messuage, house, part of a house, building, or other construction, whether wholly or in part above or below the surface of the ground, inhabited or occupied either by day or by night by man, whether beneficially or otherwise, or intended to be so inhabited or occupied;

“Judge” includes the Chief Justice;

“Justice” or “Justice of the Peace” means a person appointed by the Governor to be a Justice of the Peace for Anguilla;

“land” and “premises” includes all tenements or hereditaments, and also all messuages, houses, buildings, or other constructions, whether the property of Her Majesty, Her heirs or successors, or of any corporation, or of any private individual, except where there are words to exclude houses and other buildings;

“law” includes any Act, Ordinance, Act of the Parliament of the United Kingdom and any regulation or rule of court made or given under the authority of any law;

“Magistrate” means the Magistrate appointed under the Magistrate’s Code of Procedure Act and includes an additional magistrate;

“master”, when used with reference to a ship, means any person (except a pilot or harbour master) having for the time being control or charge of the ship;

“medical practitioner” or “duly qualified medical practitioner” or “registered medical practitioner” means any person duly registered or licensed to practise medicine under the provisions of any law for the time being applicable to medical practitioners;

“month” means a calendar month unless words are added showing lunar months to be intended;

“oath” and “affidavit”, in the case of persons for the time being allowed by law to affirm or declare instead of swearing, include affirmation and declaration, and “swear” in the like case, includes “affirm” and “declare”;

“or”, “other” and “otherwise” are, unless a contrary intention appears, to be construed disjunctively and not as implying similarity, unless the word “similar” or some other word of like meaning is added;

“Ordinance” includes private Ordinance and any Act or Private Act of the Legislature and any regulation made or given under the authority of any Ordinance;

“person” includes any corporation, either aggregate or sole, and any club, society, association or other body, of one or more persons;

“Police Force” means the Royal Anguilla Police Force established under the Anguilla Police Act;

“police officer” means a member of the Police Force;

“prescribed” means prescribed by the law in which the word occurs and, in relation to any regulation, means prescribed by the Governor in Council unless some other authority is mentioned in the law in which the word occurs;

“print” includes reproduction or representation by means of a typewriter, photocopier, printer or other similar apparatus or by any other method by which words, figures, signs or symbols may be reproduced or represented in visible form;

“prison” or “gaol” means the common prison or gaol of Anguilla in which a person is committed to prison;

“property” includes money, goods, things in action, land and every description of property, whether real or personal; also obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incidental to property as herein defined;

“public holiday” means any day or part of a day which under the provisions of any law for the time being in force is, or is declared to be, or proclaimed as, a public holiday;

“public place” includes every public highway, street, road, square, court, alley, land, bridleway, footway, parade, wharf, jetty, quay, bridge, public garden or open space, and every theatre, place of public entertainment of any kind, or other place of general resort, admission to which is obtained by payment, or to which the public have access;

“recorded”, when used with reference to a document, means recorded under the provisions of the law applicable to the recording of such document;

“registered”, when used with reference to a document, means registered under the provisions of the law applicable to the registration of such document;

“Registrar of the Court of Appeal” means the person appointed as such under the Supreme Court Order;

“Registrar of the High Court” means the person appointed as such under the Supreme Court Order;

“regulation” means a statutory instrument having legislative effect but does not include an order of a court;

“repeal” includes delete, omit, rescind, revoke or cancel;

“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 such court;

“Secretary of State” means one of Her Majesty’s Principal Secretaries of State for the time being;

“sell” includes exchange and barter;

“service by post”, where any law authorises or requires any document to be served by post, whether the expression “serve”, or the expression “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, prepaying, and posting a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post;

“ship” means every description of vessel used in navigation not exclusively propelled by oars;

“sign”, when used with reference to a person who is unable to write his name, includes mark;

“statutory instrument” means a regulation, order, rule, rule of court, proclamation, resolution, by-law, direction, notice or other document made, issued or given in the exercise of a power conferred by or under an Act;

“street” or “road” includes any public highway, street, road, thoroughfare, square, court, alley, lane, bridleway, footway, parade, passage, or open place used or frequented by the public, or to which the public have or are permitted to have access;

“summary conviction” means summary conviction before the Magistrate in accordance with the provisions of the Magistrate’s Code of Procedure Act;

“Supreme Court” means the Eastern Caribbean Supreme Court;

“United Kingdom” means—

(a) the United Kingdom of Great Britain and Northern Ireland; or

(b) when used with reference to citizenship or nationality, Great Britain, Northern Ireland, the Channel Islands and the Isle of Man;

“vessel” includes any ship, boat, lighter, or other floating craft used for transport by water;

“will” includes codicil;

“writing” includes printing, lithography, typewriting, photography and other modes of representing or reproducing words or figures in visible form;

“year” means a year reckoned according to the British calendar.

(2) Any reference in any law containing a reference to Her Majesty’s dominions or to any parts thereof, which would have extended so as in any way to include the Republic of India, shall have the same operation in relation to India, and to persons and things in any way belonging to or connected with India, as it would have had if India had not become a Republic.

(3) The provisions of subsection (2) shall be deemed to be varied, modified or repealed by any Act of Parliament or Order in Council of Her Majesty purporting to vary, modify, or repeal the India (Consequential Provision) Act, 1949.

(4) For the purpose of the definition of “regulation”, a statutory instrument that has legislative effect includes a statutory instrument that—

- (a) expresses a rule of conduct that is unilaterally imposed, has binding legal effect and is of general application or applicable to a class of persons;
- (b) has the effect of making a rule of conduct described in paragraph (a) generally applicable or applicable to a class of persons;
- (c) creates rights or privileges that are unilaterally granted, have binding legal effect and are of general application or applicable to a class of persons;
- (d) has the effect of making a right or privilege described in paragraph (c) of general application or applicable to a class of persons;
- (e) contains rules governing the practice or procedure before a court or quasi-judicial tribunal;
- (f) appoints or fixes the day when an Act of the Legislature comes into force or is repealed or otherwise ceases to have effect;
- (g) is called a regulation in an Act of the Legislature;
- (h) has the effect of amending or repealing any of the things mentioned in paragraphs (a) to (g); or
- (i) has the effect of unilaterally altering or abrogating rights, privileges or duties recognized under the common law.

(5) Where an Act provides that money is to be paid into the Consolidated Fund, it shall be paid over to the Accountant General, or to a bank account as directed by the Accountant General, for credit to the Consolidated Fund.

(Act 8/2010, s. 1)

General interpretation of gender, number and parts of speech

3. In this Act and in every other Act, unless there is something in the subject or context inconsistent with such construction, or unless it is therein otherwise expressly provided—

- (a) words importing the masculine gender include females;
- (b) words in the singular include the plural and words in the plural include the singular; and
- (c) when a word or expression is defined, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.

Reference to public officers by title of office

4. A reference in any law to any public officer by the usual title of his office shall, if there is such an office customarily in Anguilla and unless the contrary intention appears, be read and construed as referring to the person for the time being holding or carrying out the duties of that office in Anguilla.

References to Crown

5. In any law references to the Sovereign reigning at the time of the passing or making of the law or to the Crown shall, unless the contrary intention appears, be construed as references to the Sovereign for the time being.

Computation of time

6. (1) In computing time for the purposes of any law, unless the contrary intention appears—

- (a) a period of days from the happening of an event or the doing of any act or thing shall be deemed to be exclusive of the day in which the event happens or the act or thing is done;
- (b) if the last day of the period is 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 being an excluded day;
- (c) when 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, not being an excluded day; and
- (d) when an act or proceeding is directed or allowed to be done or taken within any time not exceeding 6 days, excluded days shall not be reckoned in the computation of the time.

(2) A time limit for doing anything, including registering or filing a document, that expires on a day when the place for doing so is not open during its regular hours of business is extended to include the next day that the place is open during its regular hours of business.

(Act 8/2010, s. 2)

Provisions when no time prescribed

7. Where no time is prescribed or allowed within which anything shall be done, such thing shall be done with all convenient speed, and as often as the prescribed occasion arises.

Measurement of distances

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

References in Acts and regulations

9. Unless the contrary intention appears—

- (a) a reference in an Act or regulation to a series of numbers or letters by the first and last numbers or letters of the series shall be construed as including the number or letter first mentioned and the number or letter last mentioned;
- (b) a reference in an Act or regulation to a part, division, section, schedule, appendix or form shall be construed as a reference to the part, division, section, schedule, appendix or form of the Act or regulation in which the reference occurs;
- (c) a reference in a section of an Act or regulation to a subsection, paragraph, subparagraph, clause or subclause shall be construed as a reference to the subsection, paragraph, subparagraph, clause or subclause of the section, as the case may be, in which the reference occurs;
- (d) a reference in an Act or regulation to regulations shall be construed as a reference to regulations made under the Act or regulations in which the reference occurs;
- (e) a reference in a schedule or part of a schedule to a part, section or item shall be construed as a reference to the part, section or item in the schedule in which the reference appears; and
- (f) a reference in a section of a schedule to a subsection, paragraph, subparagraph, clause or subclause shall be construed as a reference to the subsection, paragraph, subparagraph, clause or subclause of the section of the schedule in which the reference occurs.

Definitions in law to apply subject to context

10. (1) Where terms are defined in any law, such terms shall have the meanings assigned to them, unless there is anything in the subject or context repugnant to or inconsistent with such meaning.

(2) Unless the contrary intention appears, a term defined in an Act that is used in a statutory instrument made, issued or given under the Act shall have the same meaning as it has in the Act.

COMMENCEMENT AND CITATION OF LAWS

Time when law comes into operation

11. When any law or part of any law came or comes into operation on a particular day, it shall be deemed to have come or shall come into operation immediately on the expiration of the day next preceding such day.

Coming into force of Acts

12. (1) Unless it otherwise provides, an Act comes into force on the day it received assent in accordance with section 57(1) of the Constitution of Anguilla.

(2) If a provision of an Act (in this subsection referred to as the “coming into force provision”) provides that some of its provisions are to come into force or to be deemed to come into force on a day other than the day of assent in accordance with section 57(1) of the Constitution of Anguilla, the coming into force provision comes into force on assent.

(3) This section applies to every Act whether passed before or after 30th November, 1998.

Acts to be public Acts

13. Every Act shall be a public Act and shall be judicially noticed as such unless the contrary is expressly provided by the Act.

Sections to be substantive enactments

14. Every section of an Act shall have effect as a substantive enactment without any introductory words.

Citation of original or revised Acts

15. When an Act is referred to, it shall be sufficient for all purposes to cite the Act either by the short title, if any, by which it is made citable, or by the year of its passing and its number among the Acts of that year or in the case of the revised edition of the laws issued under any Act providing for the issue of a revised edition, by its short title or its chapter and number and the reference may in all cases be made according to the copies of Acts purporting to be printed by the Government Printer.

Citation to include amendments

16. In an Act or regulation, unless the contrary intention appears, a citation of or reference to another Act or regulation of Anguilla is a citation of or reference to the other Act or regulation as amended, whether amended before or after the commencement of the Act or regulation in which the citation or reference appears.

PROVISIONS AS TO REPEALS

Repeal of a repealing enactment

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

Repeal and substitution

18. Where any law repeals wholly or partially any former law and substitutes provisions for the law repealed, the repealed law shall remain in force until the substituted provisions come into operation.

Effect of repeal

19. (1) Where any law repeals and re-enacts, with or without modification, any provision of a former law, references in any other law to the provision so repealed shall, unless the contrary intention appears, be construed as references to the provision so re-enacted.

(2) Where any law repeals any other law, then, unless the contrary intention appears, the repeal shall not—

- (a) revive anything not in force or existing at the time at which the repeal takes effect;
- (b) affect the previous operation of any law so repealed or anything duly done or suffered under any law so repealed;
- (c) affect any right, privilege, or obligation or liability acquired, accrued, or incurred under any law so repealed;
- (d) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any law so repealed; or
- (e) affect any investigation, legal proceedings, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid, and any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture, or punishment may be imposed, as if the repealing law had not been passed.

Effect of repeal on regulations

20. Whenever any Act is repealed and other provisions are substituted by the repealing Act, the regulations and appointments made under the repealed Act and in force at the time of such repeal shall, until annulled, continue good and valid in so far as they are not inconsistent with the substituted Act or provisions.

Construction of amending law with amended law

21. Where one law amends another law the amending law shall, so far as it is consistent with the tenor thereof and unless the contrary intention appears, be construed as one with the amended law.

GENERAL PROVISIONS RESPECTING STATUTORY INSTRUMENTS**Provision respecting power given to any authority to make, issue or give statutory instruments**

22. Where any Act confers power on any authority to make, issue or give a statutory instrument, the following provisions shall, unless the contrary intention appears, apply to the statutory instrument—

- (a) any statutory instrument may at any time be amended, varied, rescinded or revoked by the same authority and in the same manner by and in which it was made;
- (b) there may for a breach of a statutory instrument that is a regulation be imposed such penalty not exceeding \$1,920 as the authority sees fit to impose;
- (c) no statutory instrument shall be inconsistent with the provisions of any Act;
- (d) where any Act confers power on any authority to make any statutory instrument 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;
- (e) where a statutory instrument purports to be made, issued or given under a particular provision, it is deemed to have been made, issued or given under all other powers thereunto enabling;
- (f) any reference in any statutory instrument to the “Act” or the “Ordinance” shall be read and construed as a reference to the Act or the Ordinance conferring the power to make, issue or give the statutory instrument.

COMMENCEMENT AND PUBLICATION OF REGULATIONS AND RELATED MATTERS

Commencement of regulations

23. Subject to section 24, a regulation comes into force on the day that it is published in the *Gazette* unless—

- (a) a later date is specified in the regulation; or
- (b) an earlier date is specified in the regulation and is permitted by the Act under which the regulation is made.

Regulations imposing fees approved in budget may be retroactive

24. Where—

- (a) a fee may be imposed by regulation;
- (b) the fee is imposed or changed as a result of an Act implementing a budget with respect to a year passed by the Legislature; and
- (c) the budget contemplates that the fee imposed or as changed will be collected throughout the year;

the regulation imposing the fee may be made retroactive to the first day of January of that year.

Dispensing with publication

25. (1) The Governor, in relation to a regulation which he may make acting in his discretion, or the Governor in Council, in relation to any other regulation, may dispense with the publication of a

regulation or a part of a regulation in the *Gazette* when the Governor or Governor in Council, as the case may be, is of the opinion that the regulation—

- (a) will be made available to persons who are likely to be affected by it; and
- (b) is of such length that publication would be impractical or unduly expensive.

(2) The Governor or the Governor in Council, as the case may be, may by regulation delegate the power to dispense with the publication of a regulation or part of a regulation to the Attorney General.

(3) A delegation under subsection (2) is a regulation and may be general or specific and does not prevent the Governor or the Governor in Council, as the case may be, from exercising the power.

(4) When the Governor or the Governor in Council or the Attorney General, as the case may be, dispenses with the publication of a regulation or part of a regulation, the Attorney General shall cause a notice to be published in the *Gazette* indicating that the publication of the regulation or part of the regulation has been dispensed with and stating where the regulation or part of the regulation may be inspected.

Effect of publication

26. (1) Publication in the *Gazette* of a regulation, or notice under section 25, is notice of the regulation to all persons.

(2) Unless an earlier date is specified in the regulation and is permitted under this Act or the Act under which the regulation is made, until a regulation, or notice under section 25, is published in the *Gazette*, the regulation is not enforceable against a person.

Judicial notice

27. The court shall take judicial notice of a regulation that is published in the *Gazette*.

Repeal of regulation when power to make it repealed

28. The power to repeal a regulation remains even if the power to make it has been repealed.

Acts done under statutory instrument deemed to be done under law by which statutory instrument authorised

29. An act shall be deemed to be done under any law or by virtue of the powers conferred by any law or in pursuance or execution of the powers of or under the authority of any law if it is done under or by virtue of or in pursuance of a statutory instrument made, issued or given under the law.

PROVISIONS AS TO POWERS

Exercise of statutory powers between passing and commencement of Act

30. Where an Act that does not come into force immediately upon its passing confers a power—

- (a) to make any appointment;

- (b) to make, issue or give any statutory instrument;
- (c) to give any notice; or
- (d) 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 date of the commencement thereof, but any appointment, statutory instrument, notice or thing made, issued, given or done under that power shall not, unless—

- (e) the contrary intention appears in the Act; or
- (f) the appointment, statutory instrument, notice or thing is necessary for bringing the Act into operation;

have any effect until the Act comes into force.

Construction of provisions as to exercise of powers and duties

31. (1) Where any Act confers a power or imposes a duty, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(2) Where any Act confers power or imposes a duty on the holder of an office as such, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed by the holder for the time being of the office, or by a person appointed to act for him.

Power to appoint includes power to remove, etc.

32. Where any Act confers upon any person or authority power to make appointments to any office or place, the power shall be construed as including the power to remove or suspend any person appointed, and to reappoint or reinstate him, and to appoint another person temporarily in the place of any person so removed or suspended or in place of any holder of the office or place who has died or is ill or absent, and to appoint another person temporarily to fill any vacancy in the office or place arising from any other cause, but, where the power of the person or authority to make any such appointment is only exercisable upon the recommendation or subject to the approval, consent or concurrence of some other person or authority, the power of removal shall, unless the contrary intention appears, only be exercisable upon the recommendation or subject to the approval, consent or concurrence of that other person or authority.

Power of Governor to provide for execution of duties of public officers during temporary absence or inability

33. Where by or under any Act any powers are conferred or any duties are imposed upon a public officer, the Governor may direct that, if during any period owing to absence or inability to act from illness or any other cause such public officer shall be unable to exercise the powers or perform the duties of his office in any place under his jurisdiction or control, such powers shall be had and may be exercised and such duties shall be performed in such places by the person named by, or by the public officer holding the office designated by, the Governor, and thereupon such person or public officer, during any period as aforesaid shall have and may exercise the powers and shall perform the duties aforesaid, subject to such conditions, exceptions and qualifications, as the Governor may direct.

Power to Governor to appoint public officers as such to serve on boards, etc., and to appoint chairman

34. (1) Where by or under any Act power is given to the Governor to appoint any person to be a member of any board, commission, committee or similar body it shall be lawful for the Governor, in the absence of any provision to the contrary, to so appoint, by his official designation, any public officer, and, on such appointment and until such appointment shall be cancelled or otherwise determined, the person for the time being filling the office in question shall be a member of such board, commission, committee or similar body.

(2) Where by or under any Act power is given to the Governor to appoint any board, commission, committee or similar body it shall be lawful for the Governor, in the absence of any provision to the contrary, to appoint a chairman of such board, commission, committee or similar body.

Appointment of officers by name or office

35. Where by or under any Act the Governor or any other public officer or body is empowered to appoint or name a person to have and exercise any powers or perform any duties, the Governor or such public officer or body may either appoint a person by name or direct the person for the time being holding the office designated by the Governor or by such public officer or body to have and exercise such powers and perform such duties; and thereupon or from the day specified by the Governor or by such public officer or body, the person appointed by name or the person for the time being holding the office shall have and may exercise such powers and perform such duties accordingly.

Change in title of public office

36. When the Governor considers it necessary to change the title of any public office, he shall cause a notice to that effect to be published in the *Gazette* setting out the former title and the substituted title or titles of such office, and declaring that such change of title shall take effect, or shall be deemed to have taken effect, from a date specified in such notice, and with effect from such date—

- (a) where the change in title consists in the substitution of a single title for the former title, the substituted title shall replace the former title wherever the former title appears in any Act or in any deed or other instrument made or issued pursuant to or consequent upon any such Act; and
- (b) where the change in title consists in the substitution of two or more titles for the former title, the former title shall be replaced, in the provisions of any such Act, deed or other instrument as may be specified in such notice, by such substituted titles as may be specified in such notice.

Effect of vacancy in membership of board, defect in qualification, etc.

37. Where by or under any Act any board, commission, committee or similar body, whether incorporated or unincorporated, is established, then, unless the 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;

- (b) the fact that it is afterwards discovered that there was some defect in the appointment or qualification of a person purporting to be a member thereof; or
- (c) the fact that there was any minor irregularity in the convening of any meeting thereof.

Construction of enabling words

38. Where in any law power is given to any person to do or enforce the doing of any act or thing, all such powers shall be understood to be also given as are reasonably necessary to enable the person to do or enforce the doing of the act or thing.

Power of majority of more than two persons

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

Appointment of successor to office during leave of absence prior to retirement of substantive holder

40. When a substantive holder of any office constituted by or under any Act is on leave of absence pending relinquishment of his office, it shall be lawful for another person to be appointed substantively to the same office.

Provisions as to offences under two or more laws

41. Where an act or omission constitutes an offence under two or more Acts, or both under an Act and under any other law which applies to Anguilla, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of those Acts or under such other law, but shall not be liable to be punished twice for the same offence.

Attempt to commit an offence to be deemed an offence

42. A provision which constitutes an offence shall, unless the contrary intention appears, be deemed to provide also that an attempt to commit such offence shall be an offence against such provision, punishable as if the offence itself had been committed.

PROVISIONS AS TO PENALTIES**Penalties prescribed to be maximum penalties; statement of penalty at foot of section**

43. (1) Whenever in any law a penalty is provided for an offence against that law, such provision shall, unless the contrary intention appears, be construed as fixing the maximum penalty for that offence, and the offender, on being found guilty, shall be liable to any penalty not exceeding the prescribed penalty, and it shall not be necessary in the law prescribing the penalty to use the expressions "not exceeding", "a term not exceeding", "on conviction thereof" or any similar expressions.

(2) Whenever in any law a penalty is set out at the foot or end of any section, the same shall indicate that any contravention of the section whether by act or omission shall be an offence against that law and shall, unless the contrary intention appears, be punishable by a penalty not exceeding the penalty stated.

Disposal of forfeits

44. (1) Where under any law any money or any animal or any thing is adjudged by any court or other authority to be forfeited, it shall, unless the contrary is otherwise provided, or unless it is expressed by law to be forfeited to any person, be forfeited to the Crown, and the money or the net proceeds of the animal or thing, if it is ordered by competent authority to be sold, shall be paid into the Consolidated Fund, unless other provision is made.

(Act 8/2010, s. 3)

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

Imposition of penalty not to bar civil action

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

MISCELLANEOUS**U.K. Acts to be read with necessary modifications**

46. Whenever any Act of the United Kingdom is extended to Anguilla, such Act shall be read with such formal alterations as to names, localities, courts, officers, persons, money, penalties and otherwise as may be necessary to make the same applicable to the circumstances.

Evidence of signature of Governor and Attorney General

47. Whenever the fiat of the Governor or the Attorney General is necessary before any prosecution or action is commenced, any document purporting to bear the fiat of the Governor or the Attorney General shall be received as *prima facie* evidence in any proceeding without proof being given that the signature to such fiat is that of the Governor or the Attorney General.

Gazette to have “by authority” printed on it

48. Every printed copy of the *Gazette* shall have imprinted on it the words “by authority” and the name of the printer, if the printer is other than the Government of Anguilla.

Government Printer

49. The Governor in Council may authorise a person to be Government Printer to print and publish copies of the Acts and regulations passed annually or consolidated or revised from time to time under an Act of the Legislature.

Forms

50. Whenever forms are prescribed in any Act, slight deviations therefrom, not affecting the substance or calculated to mislead, shall not invalidate them.

Amendment or repeal in same session

51. Any Act may be altered, amended, or repealed in the same session of the Legislature in which it passed.

Saving of rights of the Crown

52. No law shall in any manner whatsoever affect the rights of the Crown, unless it is therein expressly stated, or unless it appears by necessary implication, that the Crown is bound thereby.

Act binding on Crown

53. This Act shall be binding on the Crown.

Citation

54. This Act may be cited as the Interpretation and General Clauses Act, Revised Statutes of Anguilla, Chapter I25.
