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SCHEDULE

CHAPTER 1

INTERPRETATION

- An Act to make provision with respect to the operation, interpretation, citation and printing and recording of enactments, and for related purposes.* 1966-10. L.N.168/
1967-54. 1967.
1970-32. 1986-3.
1976-26. 1992-17.
1977-26. 1994-4.
1980-52. 1996-28.
1981-18.
- [16th June, 1966] Commence-
ment.
1. This Act may be cited as the *Interpretation Act*. Short title.
 2. For the purposes of this Act, the expression
 - "Act" means an Act of Parliament or an Act of the Legislature of Barbados passed before the 30th November, 1966; Meaning of certain expressions used in this Act. 1967-54.
 - "enactment" means an Act or a statutory instrument or any provision in an Act or statutory instrument;
 - "instrument" includes a proclamation, order or warrant (other than an order made or a warrant issued by a court), notice, scheme, rule, regulation or bye-law;
 - "private Act" means an Act for the purpose of affecting or benefiting some particular person passed in accordance with any Standing Orders of the Senate and House of Assembly for the time being in force in that behalf; 1967-54.
 - "statutory instrument" means an instrument made under an Act;
 - "statutory document" means any document issued under an Act other than a statutory instrument or an order of a court.
 3. (1) Every provision of this Act shall extend and apply to every enactment whether passed or made before or after the 16th June, 1966;¹ unless a contrary intention appears in this Act or in the enactment. Application of this Act.

¹Being the date of commencement of this Act.

(2) The provisions of this Act shall apply to this Act as they apply to an enactment passed after the 16th June, 1966 and references in this Act to an enactment so passed shall be construed accordingly.

Rules not inconsistent not excluded.

4. Nothing in this Act shall be construed as excluding the application to an enactment of a rule of construction applicable thereto and not inconsistent with this Act.

Styles of statutes.

5. All statutes of Barbados shall be styled Acts.

Enacting and other clauses and words of enactment. 1970-32.

6. (1) The words of enactment shall follow the preamble (if any) and the several clauses within the body of the statute shall follow in a concise and enunciative form.

(2) In every Bill presented to the Governor-General for assent other than a Bill presented under section 49, 55 or 56 of the *Constitution*, the words of enactment shall be as follows:

"Enacted by the Parliament of Barbados as follows:".

(3) In every Bill presented to the Governor-General for assent under section 49 of the *Constitution*, the words of enactment shall be as follows:

"Enacted by the Parliament of Barbados in accordance with provisions of section 49 of the *Constitution* as follows:".

(4) In every Bill presented to the Governor-General for assent under section 55 or 56 of the *Constitution*, the words of enactment shall be as follows:

"Enacted by Her Majesty by and with the advice and consent of the House of Assembly of Barbados in accordance with the provisions of section 55 (or section 56, as the case may be) of the *Constitution* and by the authority of the same, as follows:".

Acts to be deemed public.

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

Provisions in private Acts.

8. A provision in a private Act shall not affect rights of a person otherwise than as therein mentioned or referred to.

9. Every enactment shall, unless the contrary intention appears, apply to the whole of Barbados. Enactments to apply to Barbados.

10. (1) A reference in an enactment to the Sovereign or to the Crown shall be construed in either case as a reference both to the Sovereign for the time being and as a reference to the Crown in right of its government of Barbados. References to the Crown.

(2) In any enactment, the expression "Her Majesty" includes Her Majesty the Queen, Her heirs and successors.

(3) An enactment passed or made after the 16th June, 1966, shall not bind or in any manner whatsoever affect the Crown or the rights and prerogatives of the Crown unless it is expressly stated therein that the Crown is bound thereby. 1970—32.

(4) This Act is binding on the Crown.

(5) Every private Act shall be construed as containing a saving for the rights of the Crown.

11. Every provision of an enactment shall have effect as a substantive enactment without introductory words. Provisions to be substantive enactments.

12. (1) The preamble to an enactment shall be construed as a part thereof intended to assist in explaining the purport and object of the enactment. Preamble, marginal notes and headings.

(2) Marginal notes and headings in an enactment and references to other enactments in the margin or at the end of an enactment shall not be construed as part of the enactment and shall be deemed to have been inserted for convenience of reference only.

13. (1) A reference in an enactment to any other enactment shall be construed as a reference to that other enactment as for the time being amended by or under any other enactment, including the enactment in which the reference is made. References in enactments.

(2) A reference in an enactment to any statute passed either before or after the 16th June, 1966, by the United Kingdom

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Parliament, or to any instrument made under any such statute, shall be construed as a reference to that statute or instrument as it applies for the time being in Barbados; and any such statute or instrument shall be read with such formal alterations as to names, localities, courts, officers, persons, moneys, penalties and otherwise as may be necessary to make such statute or instrument applicable to the circumstances.

(3) Where in any enactment reference is made to a provision of a United Kingdom Act and that provision is subsequently repealed and re-enacted without substantial modification such reference shall, if the context so requires, be construed as a reference to the provision as so re-enacted.

(4) A reference in an enactment by number or letter to a Part, section, subsection, paragraph, sub-paragraph or other division of another enactment or of a United Kingdom Act shall be construed as a reference to such Part, section, subsection, paragraph, sub-paragraph or other division of such other enactment or Act as printed by authority of law.

(5) A reference in an enactment by number or letter to two or more Parts, divisions, sections, subsections, paragraphs, sub-paragraphs, schedules, instruments or forms shall be construed as including the number or letter first mentioned and the number or letter last mentioned.

(6) Where in an enactment reference is made to a Part, division, section, schedule or form without anything in the context to indicate that a reference to a Part, division, section, schedule or form of some other enactment is intended, the reference shall be construed as a reference to a Part, division, section, schedule or form of the enactment in which the reference is made.

(7) Where in a section of an enactment reference is made to a subsection, paragraph, sub-paragraph or other division without anything in the context to indicate that a reference to a subsection, paragraph, sub-paragraph or other division of some other section or provision is intended, the reference shall be construed as a reference to a subsection, paragraph, sub-paragraph or other division of the section in which the reference is made.

(8) Where in a schedule or Part of a schedule to an enactment reference is made to a paragraph, sub-paragraph or other division without anything in the context to indicate that a reference to a paragraph, sub-paragraph or other division of some other enactment or division is intended, the reference shall be construed as a reference to the paragraph, sub-paragraph or other division of the schedule or the Part of the schedule in which the reference is made.

(9) Where in an enactment reference is made to a statutory instrument or statutory document, without anything in the context to indicate that a reference to a statutory instrument or statutory document made under some other enactment is intended, the reference shall be construed as a reference to a statutory instrument or statutory document, as the case may be, made under the enactment in which the reference is made.

(10) A reference in an enactment to any power exercisable, or to any statutory instrument or statutory document made or issued or act or thing done, under any enactment or any United Kingdom Act shall include a reference to a power exercisable, a statutory instrument or statutory document made or issued or act or thing done, by virtue of that enactment or Act or of any statutory instrument or statutory document made or issued under or by virtue of that enactment or Act. 1967-54.

(11) The expression "herein" when used in a section or other division of an enactment passed or made after the 16th June, 1966, shall relate to the whole enactment and not to that section or division only.

14. (1) An Act may be amended, altered or repealed in the same session of Parliament. Amending provisions.

(2) An amending enactment shall, so far as consistent with the tenor thereof, operate and be construed as part of any enactment which it amends and, without prejudice to subsection (1) of section 13 shall, as from the date on which it comes into operation, have effect accordingly for the purpose of the construction and operation of any other enactment which refers to, or is incorporated with, the enactment which it amends.

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Date of passing, etc. of enactments.
1967-54.
1970-32.

15. (1) The date of the passing of every Act shall be the date on which the Governor-General has signed it in token of his assent thereto in Her Majesty's name and on Her Majesty's behalf and in this Act the expression "Governor-General's Assent" means such assent as aforesaid.

(2) The Governor-General's Assent and the day, month and year thereof shall be inscribed on every Act immediately above the year and number of the Act; and such inscription shall be taken to be part of the Act.

(3) The date of the making of every statutory instrument shall be the date therein expressed as the date of the execution thereof, but where the instrument is made by two or more authorities jointly and is therein expressed to have been executed by those authorities on different dates, the date of the making thereof shall be the last date so expressed.

(4) Where a statutory instrument made or to be made after the 16th June, 1966, by one authority requires the concurrence or approval of any other authority, that concurrence or approval shall be formally inscribed on the instrument either—

- (a) on or before the date of the making thereof; or
- (b) if the other authority has before that date indicated an intention to concur in or approve of the making of the instrument, within one month after such making.

Coming into force of enactments.

16. (1) Every enactment shall be published in the *Gazette* and, unless the enactment otherwise provides, shall take effect and come into operation on the date of such publication.

(2) Where an enactment is expressed to come into force or operation on a particular date (whether such day is before or after the date of the passing of such enactment, or where the enactment is a statutory instrument, of the making thereof, and whether such day is named in the enactment or is to be appointed or fixed or ascertained in any other manner) the enactment shall be construed as coming into force immediately on the expiration of the day before that particular day.

- (3) Where an Act provides that—
 - (a) it is to come into force or operation on a day or date to be fixed by the Governor-General by proclamation;

(b) or that it is not to come into force or operation until a day or date to be so fixed,

any such proclamation—

(i) may apply to the whole or to any provision or provisions of the Act; and

(ii) may be issued at different times in respect of any such provision or provisions.

17. (1) Where an enactment is expressed to expire, lapse or otherwise cease to have effect on a particular day, the enactment shall, except as provided by subsection (2), be construed as ceasing to have effect immediately on the expiration of that day. Expiration of enactments.

(2) Where a Bill is introduced into any session of Parliament for the continuance of any Act limited to expire in that session and that Act expires before such Bill, having passed both Houses, receives in that session the Governor-General's Assent and is published in the *Gazette*, then, subject to subsection (3), that Act shall be deemed to have continued as fully and effectively in operation as if such Bill had received the Governor-General's Assent and been published in the *Gazette* before that Act expired. 1970-32.

(3) Subsection (2) shall not operate so as to render any person liable under the provisions of an Act which has expired to any penalty or forfeiture by reason of any act done by him before the date on which the Bill for the continuance of that Act, having passed both Houses, receives the Governor-General's Assent and is published in the *Gazette*.

18. Where an enactment which is not to come into force immediately on the passing or making thereof confers power— Exercise of powers before commencement of enactment.

- (a) to make appointments;
- (b) to hold elections;
- (c) to make statutory instruments or to issue statutory documents;
- (d) to publish documents or to give any notices;
- (e) to prescribe forms;

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- (f) to give directions; or
- (g) to do any other act or thing,

that power may, for the purpose of making the enactment effective upon its commencement, be exercised at any time after the passing or making thereof, but, except in so far as may be necessary or expedient for that purpose, any statutory instrument or statutory document made under that power shall not have effect before the commencement of the enactment conferring the power.

Statutory powers and duties generally.

19. (1) Where an enactment confers a power or imposes a duty, the power may be exercised and the duty shall be performed from time to time, as occasion requires.

(2) Where an enactment confers a power to make any statutory instrument, the power shall be construed as including power, exercisable in the like manner and subject to the like consent and conditions, if any, to amend, alter, rescind, or revoke that statutory instrument and to make other statutory instruments in lieu thereof, but this subsection shall not apply to an order which is not made by a rule-making authority in the exercise of a statutory power which is of a legislative character.

(3) Where an enactment empowers any person or authority to do any act or thing, all such powers shall be deemed to be also given as are reasonably necessary to enable that person or authority to do that thing or are incidental to the doing thereof.

(4) Where an enactment authorises or requires an act or thing to be done collectively by more than two persons, a majority of those persons may do that act or thing, unless any quorum fixed by that or any other enactment has not been formed.

(5) Any power conferred by an enactment to make a statutory instrument or issue a statutory document may be exercised—

- (a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case; and

(b) so as to make, as respects the cases in relation to which it is exercised—

(i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise);

(ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or classes of case, or different provision as respects the same case or class of case for different purposes of the enactment;

(iii) any such provision either unconditionally or subject to any specified condition.

(6) Where an enactment confers upon any person or authority power to make a statutory instrument, the statutory instrument so made shall be construed subject to the enactment under which it was made and so as not to exceed the power of that person or authority, to the intent that where any such statutory instrument would, but for this subsection, have been construed as being in excess of the power conferred upon that person or authority, the statutory instrument shall nevertheless be valid to the extent to which it is not in excess of that power.

(7) Where an enactment confers upon any person or authority power to make a statutory instrument, any act done under a statutory instrument so made shall be deemed to have been done under that enactment.

(8) Notwithstanding that a statutory instrument or a statutory document is expressed or purports to be made or issued by a person or authority under a specific enactment, it shall be deemed also to be made or issued under all powers thereunto enabling that person or authority.

(9) Where an enactment confers powers upon any person or authority to make any statutory instrument for any general purposes and also for any special purposes incidental thereto, the enumeration of the special purposes shall not be construed as derogating from the generality of the power conferred with respect to the general purposes.

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(10) Where an enactment confers a power to make any statutory instrument—

1970-32.

- (a) there may be annexed to a contravention of that statutory instrument a punishment by way of a fine not exceeding five hundred dollars or imprisonment for a term not exceeding three months or both;
- (b) an offence against that statutory instrument shall be punishable on summary conviction.

Provisions
as to holders
of offices.
1976-26.

20. (1) Words in an enactment passed or made after the 16th June, 1966, which authorise the appointment of a person to any office shall be deemed also to confer on the authority in whom the power is vested—

- (a) power, at the discretion of the authority, to remove or suspend him; and
- (b) power, exercisable in the like manner and subject to the like consent and conditions, if any, applicable on his appointment—
 - (i) to reappoint or reinstate him;
 - (ii) to appoint another person in his stead or to act in his stead and to provide for the remuneration of the person so appointed;
 - (iii) to fix or vary his remuneration, to withhold his remuneration in whole or in part during any period of suspension from office, and to terminate his remuneration on his removal from office;

but where the power of appointment is exercisable only upon the recommendation or subject to the approval, consent or concurrence of some other authority or person, the power of removal shall be exercised only upon the recommendation or subject to the approval, consent or concurrence of that other authority or person.

(2) In an enactment a reference, without qualification, to the holder of any office shall include a reference to any person for the time being holding that office, and, in particular—

- (a) words in an enactment directing or empowering the holder of an office to do any act or thing, or otherwise

applying to him by the name of his office, shall apply to his successors in office and to his or their deputy;

- (b) where an enactment confers a power or imposes a duty on the holder of an office, as such, the power may be exercised and the duty shall be performed by the person for the time being charged with the execution of the powers and duties of the office.

(3) Where the change of title of any public officer is notified in the *Gazette* by a Government Notice setting out the former title and the substituted title of such officer, a reference to the former title in any enactment and in any document made or issued under such enactment shall be construed as a reference to the substituted title.

(4) Where by or under any enactment any functions are conferred upon a public officer, the Governor-General may direct that, if by reason of absence or incapacity through illness or any other cause that officer is during any period unable to perform those functions, such functions shall be performed by a public officer or person designated by the Governor-General; and during any such period the public officer or person so designated shall perform such functions, subject to such conditions, exceptions and qualifications as the Governor-General may direct.

(5) Notwithstanding anything in any enactment, where the substantive holder of a public office (in this section referred to as "the retiring officer") is on leave of absence pending relinquishment of that office, another person may be appointed substantively to that office; and a person so appointed may perform all the functions of that office to the exclusion of the retiring officer, and, without prejudice to any rights or privileges of the retiring officer, shall be entitled to all rights and privileges (including those relating to emoluments and pension) appertaining to the office.

21. (1) Where an Act passed after the 16th June, 1966, contains words establishing, or providing for the establishment of, a body corporate and applying this section to that body those words shall operate—

Effect of words of incorporation.

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- (a) to vest in that body when established—
- (i) the power to sue in its corporate name;
 - (ii) the power to enter into contracts in its corporate name, and to do so that, in relation to third parties, the body shall be deemed to have the same power to make contracts as an individual has;
 - (iii) the right to have a common seal and to alter or change that seal at pleasure;
 - (iv) the right to acquire and hold any real or personal property for purposes for which the corporation is constituted and to dispose of or charge such property at pleasure;
 - (v) the right to regulate its own procedure and business; and
 - (vi) the right to employ such staff as may be found necessary for the performance of its functions;
- (b) to make that body liable to be sued in its corporate name;
- (c) to require that judicial notice shall be taken of the common seal of that body, and that every document purporting to be a document sealed by that body and to be attested in accordance with any enactment applicable to the attestation of documents so sealed shall, unless the contrary is proved, be received in evidence and be deemed to be such a document without further proof;
- (d) to vest in a majority of the members of that body the power, subject to any quorum fixed by the enactment under which it is established or by any relevant standing orders, to bind other members thereof; and
- (e) to exempt from personal liability for the debts, obligations or acts of that body, such members thereof as do not contravene the provisions of the Act under which the body is established.
- (2) Without prejudice to subsection (1) of section 3, the application of this section to a body corporate shall not—
- (a) prevent additional powers being conferred by any enactment on that body; or

- (b) prevent the powers conferred by virtue of such application being limited by any enactment; or
- (c) prejudice or affect any liability of any member of that body to be surcharged with the payment of any amount which may be disallowed in the accounts of that body by an auditor acting in pursuance of any enactment.

22. (1) Where any act or omission constitutes an offence under two or more than two enactments or under an enactment and at common law, the offender shall be liable to be prosecuted and punished under either or any of those enactments or at common law, but shall not be liable to be punished twice for the same offence. Offences and penalties.

(2) Where an offence under any enactment passed after the 16th June, 1966, has been committed by a body corporate the liability of whose members is limited, then notwithstanding and without prejudice to the liability of that body, any person who at the time of such commission was a director, general manager, secretary or other like officer of that body or was purporting to act in any such capacity shall, subject to subsection (3), be liable to be prosecuted as if he had personally committed that offence and shall, if on such prosecution it is proved to the satisfaction of the court that he consented to, or connived at, or did not exercise all such reasonable diligence as he ought in the circumstances to have exercised to prevent the offence, having regard to the nature of his functions in that capacity and to all the circumstances, be liable to the like conviction and punishment as if he had personally been guilty of that offence.

(3) A person shall not be charged under subsection (2) except upon the direction of the Director of Public Prosecutions.

(4) An enactment creating criminal liability for an act or omission which, apart from that enactment, would give rise to civil liability shall not operate to prejudice the civil liability. 1992-17.

(5) Where an enactment provides a punishment for an offence against the enactment, the offence shall be punishable by a punishment not exceeding that so provided.

(6) Where at the end of a section of any enactment a fine, penalty or term of imprisonment is set out, any contravention of that section shall be an offence against the enactment and shall be punishable by a fine, penalty or term of imprisonment not exceeding that so set out.

(7) Where an enactment passed or made after the 16th June, 1966, creates an offence, the enactment shall operate to provide also that an attempt to commit that offence is an offence under the enactment and punishable as if the offence itself had been committed.

1967-54. (8) Any enactment under which imprisonment may be awarded shall be construed as providing that any person imprisoned thereunder shall work at such labour as the Officer-in-charge of the prison may direct.

(9) Where under any enactment any animal or thing is or is ordered by a competent authority to be confiscated or forfeited, it shall be deemed to be forfeited to the Crown for the purposes of Barbados.

(10) Where under any enactment any animal or thing ordered or deemed to be forfeited to the Crown is required to be sold, the net proceeds of any such sale shall be paid into and form part of the Consolidated Fund.

(11) Nothing in subsection (9) or subsection (10) shall prejudice any enactment under which the whole or any part of any fine, penalty or forfeit or the proceeds of any forfeit is recoverable by any person or may be granted by any authority to any person.

(12) Any fine or pecuniary penalty imposed by or under an enactment shall be payable into the Consolidated Fund.

Cap. 116A. (13) Where in an enactment an offence is declared to be punishable on summary conviction, the procedure in respect of the trial and punishment of the offence and the recovery of the penalty, and all matters incidental to or arising out of the trial and punishment of the offence or the recovery of the penalty, shall be in accordance with the *Magistrate's Courts Act*.

23. (1) Where an enactment confers any jurisdiction on a court or other tribunal or extends or varies any such jurisdiction, the authority having for the time being power to make rules or orders regulating the practice and procedure of that court or tribunal may make such rules or orders (including rules or orders regulating costs, fees and witnesses' and other expenses) as appear to the authority to be necessary for regulating the practice and procedure of that court or tribunal in the exercise of the jurisdiction so conferred, extended or varied, and it shall not be necessary for any other enactment to confer power on the authority to make any rules or orders for these purposes.

Rules of procedure of courts and tribunals.

(2) An authority empowered to make rules or orders regulating the practice and procedure of any court or tribunal may not in the exercise of that power make without the concurrence of the Minister responsible for Finance an order which—

- (a) directs money to be paid out of or in aid of the Consolidated Fund; or
- (b) prescribes or alters court fees;

but the validity of any rule or order made by such an authority shall not in any proceedings in any court or tribunal be impugned either by the court or tribunal or by any party to the proceedings on the ground only that such concurrence as aforesaid has not been given or is not expressed to have been given.

(3) All rules or orders made under any enactment and regulating the practice or procedure, or costs, fees or expenses, of any court or tribunal and in force on the 16th June, 1966, shall be deemed to have been made under this section and may be varied or revoked accordingly.

24. (1) Where an enactment provides that an appeal against any decision or determination of a court, tribunal, authority or person (in this section called "the original tribunal") may be brought to any court, that court (in this section called "the appellate court") may, for all purposes of and incidental to hearing or determining such appeal, exercise all the powers, authority and jurisdiction of the original tribunal and, in addition, may—

Powers of appellate courts.

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- (a) confirm, reverse or vary the decision or determination of the original tribunal;
- (b) remit the appeal or any matter arising thereon to the original tribunal with such declarations or directions as the appellate court may think proper;
- (c) make such order as to costs and expenses as the appellate court may think proper; and
 - (i) it shall be the duty of the original tribunal to have regard to all such declarations and to obey all such directions, if any, as may be given by the appellate court pursuant to paragraph (b); and
 - (ii) orders made by the appellate court shall have the like effect and may be enforced in like manner as orders made by the original tribunal.

(2) Without prejudice to subsection (1) an appeal court upon an appeal from a decision of another court in a civil or criminal matter may direct that matter to be retried.

Service of
documents.

25. (1) Where an enactment authorises or requires a document to be served by post, whether the word “serve” or any of the words “give”, “deliver”, or “send” or any other word is used, the service of the document may be effected by prepaying, registering and posting an envelope addressed to the person on whom the document is to be served at his usual or last known place of abode or business and containing such document; and, unless the contrary is proved, the document shall be deemed to have been served at the time at which such envelope would have been delivered in the ordinary course of post.

(2) Where an enactment authorises or requires a document to be served on any person without directing it to be served in a particular manner the service of that document may be effected either—

- (a) by personal service; or
- (b) by post in accordance with subsection (1); or
- (c) by leaving it for him with some adult person at his usual or last known place of abode or business; or

- (d) in the case of a corporate body or of any association of persons (whether incorporated or not) by delivering it to the secretary or clerk of the body or association at the registered or principal office of the body or association or serving it by post on such secretary or clerk at such office; or
- (e) if it is not practicable after reasonable enquiry to ascertain the name or address of an owner, lessee, or occupier of premises on whom the document ought to be served, by addressing the document to him by the description of "owner" or "lessee" or "occupier" of the premises (naming them) to which the document relates, and by delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

26. Where a form is prescribed or specified by any enactment, deviations therefrom not materially affecting the substance nor calculated to mislead shall not invalidate the form used.

Deviation
in forms.

27. (1) Where any enactment authorises or requires evidence to be taken on oath, or authorises or directs an oath to be made, taken or administered, the oath may be administered, and a certificate or acknowledgement of its having been made, taken or administered may be given, by any person authorised by the enactment to take the evidence, or by a judge of any court, or a notary public, or a commissioner for oaths or justice of the peace having authority or jurisdiction in the place where the oath is administered.

Oaths,
affirmations
and
declarations.

(2) In every enactment the words "oath" and "affidavit" shall, as respects persons for the time being allowed by law to affirm or declare instead of swearing, include affirmation and declaration.

(3) A reference in an enactment to a statutory declaration shall be construed—

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(a) if made in the Island, as a reference to a declaration made—

(i) by virtue of the Statutory Declarations Act, 1835,¹
or

Cap. 121.

(ii) under the Evidence Act;

(b) if made in any part of the Commonwealth beyond the Island, as a reference to a declaration made before a justice of the peace, notary public or other person having authority therein under any law for the time being in force to take or receive a declaration; or

(c) if made in any other place, as a reference to a declaration made before any person having authority under any United Kingdom Act for the time being in force to take or receive a declaration.

(4) A power conferred by an enactment upon a justice of the peace to administer any oath or affirmation, or to take any affidavit or declaration, may be exercised by a notary public or a commissioner for oaths.

Operation of declaration that enactments are to cease to have effect.

28. (1) Where in an enactment it is declared that the whole or a part of any enactment is to cease to have effect, that enactment shall be deemed to have been repealed to the extent to which it is so declared to cease to have effect.

(2) Subsection (1) shall not be taken to prejudice the operation of any declaration in an enactment that the whole or a part of any enactment is repealed.

Effect of repeal.

29. (1) Where an enactment repeals or revokes an enactment, the repeal or revocation shall not, save as in this section otherwise provided—

(a) revive any enactment or thing not in force or existing at the time at which the repeal or revocation takes effect;

(b) affect the previous operation of the enactment so repealed or revoked, or anything duly done or suffered thereunder;

¹ 5 & 6 Will 4. c. 62 (U.K.).

- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the enactment so repealed or revoked;
- (d) affect any offence committed against the enactment so repealed or revoked, or any penalty or forfeiture or punishment incurred in respect thereof; or
- (e) affect any investigation, legal proceeding 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 enactment had not been repealed or revoked.

(2) Nothing in subsection (1) shall be taken to authorise the continuance in force after the repeal or revocation of an enactment of any instrument made under that provision.

(3) Where at any time an enactment expires, lapses or otherwise ceases to have effect, this section shall apply as if that enactment had then been repealed or revoked.

(4) The inclusion in the repealing provisions of any enactment of any express saving with respect to the repeals affected thereby shall not be taken to prejudice the operation of this section with respect to the effect of those repeals.

30. (1) Where an enactment repeals or revokes and re-enacts, with or without modification, any enactment, a reference in any other enactment or statutory document to the enactment so repealed or revoked shall, without prejudice to the operation of subsections (2) and (3), be construed as a reference to the enactment as re-enacted.

Effect of substituting enactment.

(2) Where an enactment repeals or revokes any enactment (in this subsection and in subsection (3) called "the old enactment") and substitutes another enactment therefor by way of amendment, revision or consolidation—

- (a) all officers and persons acting under the old enactment shall continue to act as if appointed under the enactment so substituted;

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- (b) every bond and security given by a person appointed under the old enactment shall remain in force and all premises, books, papers and things used or made under the old enactment shall continue to be used as theretofore so far as consistent with the enactment so substituted;
 - (c) all proceedings taken under the old enactment shall be prosecuted and continued under and in conformity with the enactment so substituted, so far as consistently may be;
 - (d) in the recovery or enforcement of penalties and forfeitures incurred, and in the enforcement of rights, existing or accruing under the old enactment or in any other proceedings under the old enactment, the procedure established by the enactment so substituted shall be followed so far as it can be adapted; and
 - (e) where any penalty, forfeiture or punishment is reduced or mitigated by any of the provisions of the enactment so substituted, the penalty, forfeiture or punishment, if imposed or awarded after such repeal or revocation, shall be reduced or mitigated accordingly.
- (3) Without prejudice to subsection (2), where an enactment repeals or revokes an enactment and substitutes another enactment therefor by way of amendment, revision or consolidation—
- (a) all statutory instruments or statutory documents made, issued, confirmed or granted under the old enactment and all decisions, authorisations, directions, consents, applications, requests or things made, issued, given or done thereunder shall, in so far as they are in force at the commencement of the enactment so substituted, and are not inconsistent therewith, have the like effect and the like proceedings may be had thereon and in respect thereof as if they had been made, issued, confirmed or granted or made, issued, given or done under the corresponding provision of the enactment so substituted; and
 - (b) any reference to the old enactment in any unrepealed or unrevoked enactment shall, in relation to any subsequent transaction, matter or thing, be construed as a reference

to so much of the enactment so substituted as relates to the same subject-matter as the old enactment; and, if nothing in the enactment so substituted relates to the same subject-matter, the old enactment shall stand good, and be read and construed as unrepealed or unrevoked in so far, and in so far only, as is necessary to support, maintain or give effect to such unrepealed or unrevoked enactment.

31. (1) Every enactment shall be construed as always speaking and anything expressed in the present tense shall be applied to the circumstances as they occur, so that effect may be given to each enactment according to its true spirit, intent and meaning.

Enactment always speaking.

(2) The expression “now”, “next”, “heretofore” or “hereafter” shall be construed as referring to the time when the enactment containing the expression came into force.

32. Where an enactment confers power to make any statutory instrument or issue any statutory document, then, unless a contrary intention appears—

Expressions in statutory instrument have same meaning as in enactment. 1970-32.

- (a) expressions used in the statutory instrument or document have the same respective meanings as in the enactment; and
- (b) the expression “the Act” if used in the statutory instrument or document shall be construed as referring to the Act under which the instrument is made or the document issued, as the case may be.

33. (1) Definitions or rules of interpretation contained in an enactment shall apply to the construction of the provisions of the enactment which contain those definitions or rules of interpretation, as well as to the other provisions of the enactment.

Application of interpretation provisions in enactments.

(2) An interpretation section or provision contained in an enactment shall be read and construed as being applicable only if a contrary intention does not appear in the enactment.

34. Where a word is defined in an enactment, other parts of speech and grammatical variations of that word and cognate expressions shall have corresponding meanings in that enactment.

Corresponding meanings of parts of speech.

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Names commonly used.

35. In an enactment, a name commonly applied to a country, place, Government department, body, corporation, society, Minister, officer, functionary, person, party, statutory provision, or other thing whatsoever, shall mean the country, place, Government department, body, corporation, society, Minister, officer, functionary, person, party, statutory provision or thing to which the name is commonly applied, or is commonly applied in the Island, whether or not the name is the formal or unabbreviated designation thereof.

Rules as to gender and number.

36. (1) Words in an enactment importing (whether in relation to an offence or otherwise) persons or male persons shall include male and female persons, corporations (whether aggregate or sole) and unincorporated bodies of persons.

(2) In an enactment—

(a) words in the singular shall include the plural; and

(b) words in the plural shall include the singular.

(3) Without prejudice to the foregoing provisions, a reference in an enactment to a party aggrieved shall include a reference to a body corporate in every case where such a body is a party aggrieved.

Construction of "shall" and "may".

37. In an enactment passed or made after the 16th June, 1966, the expression "shall" shall be construed as imperative and the expression "may" as permissive and empowering.

Distances.

38. In the measurement of any distance for the purposes of any enactment, that distance shall be measured in a straight line on a horizontal plane.

Time.

39. (1) In an enactment, words relating to time and reference to a point of time shall be construed as relating or referring to standard time.

(2) In an enactment, the expression "standard time" shall be construed as meaning—

(a) the mean time of Longitude 60°W., that is to say, as being exactly four hours later than Greenwich mean time; or

(b) such other time as the Governor-General may by proclamation declare to be the standard time for the Island.

(3) Where in an enactment a period of time is expressed to begin on, or to be reckoned from, a particular day, that day shall not be included in the period.

(4) Subject to subsection (6), where in an enactment a period of time is expressed to end on, or to be reckoned to, a particular day, that day shall be included in the period.

(5) Where the time limited by an enactment for the doing of anything expires or falls upon a Sunday or public holiday, the time shall extend to and the thing may be done on the first following day that is not a Sunday or a public holiday.

(6) Where a period of time prescribed by an enactment for the doing of anything does not exceed six days, Sundays and public holidays shall not be included in the computation of the period.

(7) Where by an enactment a period of time is expressed as "clear days" or is qualified by the term "at least", both the first day and the last day shall be excluded from the computation of the period.

(8) In an enactment—

(a) a reference to midnight, in relation to any particular day, shall be construed as a reference to the point of time at which that day ends;

(b) a reference to a week-day shall be construed as a reference to a day that is not a Sunday;

(c) a reference to a month shall be construed as a reference to a calendar month;

(d) a reference, without qualification, to a year shall be construed as a reference to a period of twelve months;

(e) a reference to a financial year shall be construed as a reference to a period of twelve months ending at midnight on the thirty-first day of March.

(9) In an enactment, the expression "public holiday" shall mean any day that under the provisions of any enactment

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or other law for the time being in force is or is declared to be or is proclaimed as a public holiday.

(10) An enactment requiring or authorising the doing of anything but not prescribing or limiting the period within which that thing is to or may be done shall be construed as requiring or, as the case may be, authorising that thing to be done with all convenient speed and not otherwise.

(11) Subsections (1) and (2) shall have effect in relation to deeds and other legal instruments as they have effect in relation to enactments.

Statutory
boards, etc.

40. (1) This section shall have effect in relation to any statutory board.

(2) Subject to any relevant enactment respecting a quorum, the functions of a statutory board shall not be affected by any vacancy in the membership thereof.

(3) Power conferred by or under any enactment upon any authority or person to appoint all the members of a statutory board shall include power—

- (a) to appoint the chairman thereof from time to time as occasion requires; and
- (b) to appoint individual persons as alternative members thereof;

and any alternative member so appointed may act as a member of the statutory board only when the member to whom he is alternate is for any reason unable to perform his functions as such member; and an alternative member when so acting shall have and perform all the functions of the member in whose place he so acts.

(4) Any authority or person empowered by or under any enactment to appoint or designate a person either to be a member of a statutory board or to perform any other functions may—

- (a) appoint or designate a person by name; or
- (b) direct the person for the time being holding such office as is specified in the direction to be such member or to perform such other functions;

and it shall be the duty of any person or officer so appointed, designated or directed to perform such respective functions accordingly.

41. (1) In an enactment, the expression—

Definitions
for
legislative
purposes.
1967-54

“ House ” or “ Chamber ” shall mean the Senate or the House of Assembly, as the context may require;

“ House of Assembly ”, “ Assembly ” and “ General Assembly ” shall mean the House of Assembly of the Island;

“ Parliament ” shall mean the Parliament of the Island;

“ President ” shall mean the President of the Senate elected under subsection (1) of section 40 of the Constitution and “ Deputy President ” shall mean the Deputy President of the Senate elected under subsection (2) of section 40 of the Constitution;

“ Senate ” shall mean the Senate of the Island;

“ session ” in relation to Parliament shall mean the sittings of Parliament commencing when it first met after the Constitution came into force or after the prorogation or dissolution of Parliament at any time and terminating when Parliament is prorogued or is dissolved without having been prorogued;

“ sitting ” in relation to a House shall mean a period during which that House is sitting continuously without adjournment and includes any period during which the House is in committee;

“ Speaker ” and “ Deputy Speaker ” shall mean the member of the House of Assembly from time to time elected by that House to be respectively Speaker or Deputy Speaker of that House.

(2) In any enactment passed or made after the 16th June, 1966, the expression “ statutory period ” in relation to any statutory instrument shall mean a period of forty days or such other period as may be prescribed by such enactment for the purposes of subsections (7) and (8).

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1967-54.

(3) Where any Act passed after the 16th June, 1966, provides that any statutory instrument made thereunder—

- (a) is to be laid before each House; and
- (b) may or is to be annulled if either House so resolves within the period so provided,

such provisions shall have effect and shall be deemed always to have had effect as if in the reckoning of such period only such time as Parliament is dissolved or prorogued shall not be taken into account.

(4) A reference in any enactment passed or made after the 16th June, 1966, to the laying of any statutory instrument or statutory document or any report, account or other document before Parliament, or either House, shall be construed as a reference to the taking, during the existence of Parliament, of such action as—

- (a) by or under any Standing Order, Sessional Order or other direction of the House before which such instrument or document is to be laid, for the time being in force, is directed to constitute the laying of such an instrument or document before that House; or
- (b) is accepted by virtue of the practice of that House for the time being as constituting such laying, notwithstanding that the action so directed or accepted consists wholly or partly of action capable of being taken otherwise than at or during the time of sitting of that House.

(5) The expression “subject to affirmative resolution” when used in relation to any statutory instruments or statutory documents shall mean that such instruments or documents shall not come into operation unless and until affirmed by a resolution of each House.

(6) The expression “subject to affirmative resolution of the Assembly” when used in relation to any statutory instruments or statutory documents shall mean that such instruments or documents shall not come into operation unless and until affirmed by a resolution of the House of Assembly.

(7) The expression “subject to negative resolution” when used in relation to any statutory instruments or statutory documents shall mean that such instruments or documents

shall, as soon as may be after they are made, be laid before each House, and if either House, within the statutory period next after any such instrument or document has been so laid, resolves that the instrument or document shall be annulled, the instrument or document shall be void as from the date of the resolution, but without prejudice to the validity of anything done thereunder or to the making of a new instrument or document.

(8) The expression "subject to negative resolution of the Assembly" when used in relation to any statutory instruments or statutory documents means that such instruments or documents shall, as soon as may be after they are made, be laid before the House of Assembly and, if the House of Assembly, within the statutory period next after any such instrument or document has been so laid, resolves that the instrument or document shall be annulled, the instrument or document shall be void as from the date of the resolution, but without prejudice to the validity of anything done thereunder or to the making of a new instrument or document.

- 42.** In an enactment, the expression
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| <p>"arrestable offence" has the meaning assigned to it by section 2 of the <i>Criminal Law (Arrestable Offences) Act</i>;</p> <p>"Chief Justice" means the Chief Justice of Barbados appointed under section 81 of the <i>Constitution</i>;</p> <p>"committed for trial" means committed by a court, judge, magistrate, justice, or other authority having power to commit a person in custody or on bail with a view to his trial before a Judge and a jury;</p> <p>"court" means any court of Barbados of competent jurisdiction;</p> <p>"Court of Appeal" means the Court of Appeal established by section 80 of the <i>Constitution</i>;</p> <p>"court of summary jurisdiction" means a magistrate exercising statutory summary jurisdiction;</p> <p>"Director of Public Prosecutions" means the Director of Public Prosecutions appointed under section 101 of the <i>Constitution</i>;</p> | <p>Definitions for judicial purposes. 1967-54. Cap. 125A.</p> <p>1996-28.</p> <p>1967-54.</p> <p>1967-54.</p> |
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- 1967-54. "High Court" means the High Court established by section 80 of the *Constitution*;
- "Judge" means the Chief Justice or any other Judge of the Supreme Court;
- Cap. 117A. "Judicial Council" means the Council appointed under section 93 of the *Supreme Court of Judicature Act*;
- "justice" means a Justice of the Peace;
- Cap. 116A. "magistrate" means a magistrate appointed under the *Magistrate's Courts Act* and shall include a senior magistrate;
- "magistrate's court" means a magistrate's court established under the *Magistrate's Courts Act*;
- "Marshal" means the Chief Marshal of the Supreme Court and shall include a deputy marshal;
- "printed by authority of law" means printed by the Government Printer;
- "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 regulating the practice and procedure of that court;
- "summary conviction" means conviction on a summary offence;
- "summary offence" means an offence triable otherwise than on indictment;
- 1967-54. "Supreme Court" means the Supreme Court of Judicature established by section 80 of the *Constitution*.
- Definitions for official purposes. 1967-54. **43.** In an enactment, the expression
- "appointed day" for the purposes of any provision of the enactment means such day as the Governor-General may, by proclamation published in the *Official Gazette*, appoint;
- "Associated States" means those territories which have assumed and which maintain a status of association with

the United Kingdom in accordance with the West Indies Act, 1967, of the United Kingdom;

“Auditor General” means the Auditor General appointed under section 102 of the Constitution;

“British possession” means any British colony or Protectorate or protected State, or any Territory administered by Her Majesty’s Government in the United Kingdom or by the Government of any part of Her Majesty’s dominions under the trusteeship system of the United Nations and in any enactment passed or made before the commencement of the Statute of Westminster, 1931, shall include Canada, Australia and New Zealand;

“Cabinet” means the Cabinet established by section 64 of the Constitution;

“colony”, where the context so permits, includes a British protectorate or protected state and any territory administered as aforesaid under the trusteeship system of the United Nations;

“Commonwealth” means the countries specified or certified as Commonwealth countries in or under an Act of Parliament relating to membership of the Commonwealth; 1980—52.

“Commonwealth country” means a country that is an independent sovereign member of the Commonwealth;

“the Consolidated Fund” means the Consolidated Fund established by section 107 of the Constitution;

“the Constitution” means the Constitution of Barbados as contained in the Schedule to the Barbados Independence Order, 1966,¹ and any amendments thereto;

“Crown Agents” means all or any of the persons designated Crown Agents in the United Kingdom for Overseas Governments and Administrations;

¹The Barbados Independence Order, 1966 (S.I. 1966 No. 1455 of the United Kingdom) is printed in the preface to this volume.

- “Dominion” means Canada, Australia and New Zealand;
- “Eastern Caribbean” means Antigua, St. Christopher-Nèvis-Anguilla, Montserrat, Dominica, St. Lucia, St. Vincent, Grenada, Barbados, Trinidad and Tobago and Guyana and the dependencies of any of them;
- “*Gazette*” or “*Official Gazette*” means the *Official Gazette* published by order of the Government and includes supplements thereto and any *Gazette Extraordinary* so published;
- “Government” means the Government of the Island;
- “Government Notice” means any announcement whether or not of a legislative character made in the *Gazette* by or with the authority of the Government;
- “Government Printer” includes any printer purporting to be the printer authorised to print enactments and other documents of the Government;
- “Governor-General” means the Governor-General of Barbados appointed under section 28 of the Constitution and includes a Deputy to the Governor-General and any person performing the functions of the office of Governor-General under section 29 of the Constitution;
- “Judicial and Legal Service Commission” means the Judicial and Legal Service Commission established by section 89 of the Constitution;
- “judicial oath” means the judicial oath set out in the First Schedule to the Constitution;
- “Leader of the Opposition” means the Leader of the Opposition appointed under section 74 of the Constitution;
- “Minister” means the Prime Minister or other Minister for the time being having responsibility for the subject-matter of the enactment in respect of which that expression is used;
- “oath of allegiance” means the oath of allegiance set out in the First Schedule to the Constitution;

- “payable by warrant” means payable out of the Consolidated Fund upon the authority of a warrant under the hand of the Minister responsible for Finance or of some person authorised by him in writing;
- “Police Force” means the Royal Barbados Police Force constituted and maintained under the provisions of the Police Act; Cap. 167.
- “Police Service Commission” means the Police Service Commission established by section 91 of the Constitution;
- “Prime Minister” means the Prime Minister appointed under section 65 of the Constitution;
- “prescribed” means prescribed in or under the enactment in which that expression occurs;
- “prescribed by Parliament” means prescribed by or under an Act; 1970-32.
- “Privy Council” means the Privy Council established by section 76 of the Constitution;
- “proclamation” means a proclamation made by the Governor-General under the Public Seal;
- “public office” means any office of emolument in the public service;
- “public service” means the service of the Crown in a civil capacity in respect of the government of the Island;
- “public officer” means the holder of any public office and includes any person appointed to act in any such office;
- “Public Service Commission” means the Public Service Commission established by section 90 of the Constitution;
- “Public Seal” means the Public Seal of the Island;
- “Public Treasury” or “Treasury” means the Treasury of the Island;
- “Registration Office” means the Registration Office of the Island;
- “statutory board” means any board, commission, committee, council or other like body established by or under an enactment;
- “United Kingdom” means the United Kingdom of Great Britain and Northern Ireland.

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Definitions
for local
government
purposes.

44. In an enactment, the expression—

“ Council ” as the case may be means the Council of the City of Bridgetown, the District Council of the Northern District or the District Council of the Southern District established under the Local Government Act, 1958, and dissolved by the Local Government Councils (Dissolution and Interim Commissioner) Act, 1967¹;

Cap. 107.

“ Interim Commissioner ” means the Interim Commissioner for Local Government established by the Local Government Act;

“ Local government area ” means the City of Bridgetown or the Northern or Southern District;

Cap. 108.

“ Local Government Service Commission ” means the Local Government Service Commission established under the Local Government Service Commission Act.

References
relating to
land.

45. (1) In any enactment passed or made after the 16th June, 1966, the expression “ land ” shall include messuages, tenements, and hereditaments, corporeal or incorporeal of every kind and description and houses and other buildings of any tenure, and any estate, right, title or interest in, to or over land.

(2) In any enactment passed or made after the commencement of any enactment providing for the registration of title to land in the Island, the expression—

“ registered land ” means land the title to which is registered under such provisions;

“ unregistered land ” means land the title to which is not so registered.

(3) Where an enactment passed or made after the 16th June, 1966, provides that a person may dispose of land, that person may deal with the land in any of the following ways:

- (a) sell it;
- (b) lease or let it;
- (c) exchange it, giving or receiving money for equality of exchange;

¹ These Acts 1958–55 and 1967–20, in so far as still operative, are consolidated in the Local Government Act, Cap. 107.

- (d) if leasehold, surrender it;
- (e) grant a licence to use it for any purpose or for such purposes as are specified in the licence; or
- (f) grant by way of sale, lease, letting or licence any easement, profit or right in respect of it.

46. In an enactment, the expression

- “act” where used in reference to an offence or civil wrong includes a series of acts, and words so used which refer to acts done shall extend to omissions; Miscellaneous definitions.
- “Barbados” means the island of Barbados;
- “Administrative Appeal Tribunal” or Tribunal” means the tribunal established under section 3 of the *Administrative Appeal Tribunal Act*;¹ 1981—18.
Cap. 109A.
- “coin” means any coin legally current in Barbados;
- “commencement” when used with reference to any enactment means the time at which that enactment comes into operation;
- “common law” means the common law of England;
- “Commonwealth citizen” shall mean a person who under the Constitution has the status of a Commonwealth citizen; L.N. 168/
1967.
- “constable” means a member of the Police Force as defined in the *Police Act*, and shall include a parish constable as defined in the *Parish Constables Act*; Cap. 167
Cap. 166.
- “consul” or “consular officer” includes consul-general, consul, vice-consul, consular agent, and any person authorised to discharge the duties of consul-general, consul or vice-consul;
- “contravention” in relation to any enactment, includes a failure to comply with that enactment; 1977—26.
- “internal waters” means the internal waters of Barbados as defined in section 5 of the *Barbados Territorial Waters Act*; Cap. 386.

¹ Act, Cap. 109A (1981—18) has not been proclaimed.

- Cap. 386. “territorial waters” means the territorial waters of Barbados as defined in section 3 of the *Barbados Territorial Waters Act*;
- “parish” includes any town therein;
- “Parliament of the United Kingdom” includes the Parliament of England and the Parliament of Great Britain;
- “rule” includes regulation and bye-law;
- “service by post” means service in accordance with subsection (1) of section 25;
- “signature” and “signed” includes and apply to the making of a mark;
- 1967—54. “United Kingdom Act” means an Act of the United Kingdom Parliament;
- “United Kingdom Parliament” means the Parliament of the United Kingdom;
- “will” includes codicil;
- “writing”, “written” or any term of like import includes words typewritten, printed, painted, engraved, lithographed, photographed or represented or reproduced by any mode of representing or reproducing words in a visible form.
- (2) In an enactment passed or made after the 16th June, 1966, the expression
- “access” includes ingress, egress and regress;
- “arbitrator”, when used in relation to any matter referred to arbitration under and in accordance with the provisions of the *Arbitration Act*, includes an umpire appointed under those provisions;
- Cap. 110. “assets” includes property or rights of any kind;
- “attorney-at-law” means any person admitted or entitled to practice in Barbados in accordance with the *Legal Profession Act*;
- Cap. 370A.

“costs” includes fees, charges, disbursements, expenses or remuneration;

“fault” means wrongful act or default;

“functions” includes jurisdictions, powers and duties;

“goods” means all kinds of movable property, including animals;

“individual” means a natural person and shall not include a corporation;

“movable property” means property of every description (including growing crops) except immovable property;

“perform”, in relation to functions, includes exercise;

“sale” and “sell” includes exchange or barter;

"statute of limitation" means any enactment in force in Barbados prescribing a period within which any civil proceeding to which such enactment relates is required to be brought, but shall not include an enactment prescribing a period within which any criminal proceedings (including proceedings to recover any penalty imposed as a punishment for a criminal offence) are to be brought;

"surety" means sufficient surety;

"vessel" means any ship, boat, lighter or other floating craft used or capable of being used for transport by water;

"words" when used in an amending enactment includes figures, punctuation marks and typographical, monetary, mathematical and scientific symbols.

46A. Notwithstanding any enactment, where a change in the assignment or responsibility for the business of government is notified in the *Official Gazette* by a Government Notice setting out the former assignment and the substituted assignment, a reference to the former assignment in any enactment and in any document made or issued under such enactment shall be construed as a reference to the substituted assignment from the date specified in the Government Notice.

Assignment of Ministerial responsibilities. 1986-3.

47. Where by or under any enactment any functions are conferred on the Governor-General (other than any function in relation to the hearing of any appeal or the making of any subsidiary legislation) the Governor-General may by instrument in writing delegate the performance of those functions to any person either by name or as the holder for the time being of such office as is specified in the instrument subject to such conditions, exceptions and qualifications (if any) as are so specified; and as from the date of the instrument or a date thereby specified it shall be the duty of that person or officer to perform those functions accordingly.

Power of Governor-General to delegate functions.

48. Where by or under any enactment any functions are conferred on the Cabinet (other than any function conferred by section 6 of the *Executive Committee (Vesting of Property*

Power of Cabinet to delegate functions.

Cap. 161. *and Transfer of Functions) Act, 1964,¹ or by the Emergency Powers Act) the Cabinet may by order delegate the performance of those functions to any person either by name or as the holder for the time being of such office as is specified in the order, subject to such conditions, exceptions and qualifications (if any) as are so specified; and as from the date of the order or a date thereby specified it shall be the duty of that person or officer to perform those functions accordingly.*

Signification and revocation of delegation under section 47 or 48. 1967-54.

49. (1) Any delegation made under section 47 or section 48 shall forthwith be published in the *Gazette*.

(2) Any delegation made under section 47 or section 48 may be revoked or varied by the like instrument or order as is respectively specified in those sections; and any such revocation or variation shall forthwith be published in the *Gazette*.

Signification and proof of statutory instruments.

50. (1) Every proclamation, warrant or other instrument issued under the Public Seal shall be signified under the hand of the Governor-General.

(2) Subject to subsection (1), any statutory instrument made under any enactment

(a) by the Governor-General, may be signified under the hand of such officer or person as the Governor-General may by instrument in writing either generally or specially appoint;

(b) by the Cabinet, may be signified under the hand of the Secretary to the Cabinet.

Citation of Acts.

51. (1) Any Act may be cited by reference to the calendar year in which it was passed and its sequence number in that year.

¹This section from Act 1964-18, which is not reproduced in this Revision, transferred the Governor-in-Executive Committee's powers to make subsidiary legislation to the Cabinet.

(2) Without prejudice to subsection (1), any enactment may be cited in any manner in which it could have been cited before 16th June, 1966.

(3) Where a statutory instrument is published in the *Gazette* 1970—32. in accordance with section 16, then

- (a) without prejudice to section 13 of the *Evidence Act*, the original of that instrument and any copy thereof printed by the Government Printer, is admissible in evidence in all courts in Barbados without proof of the authority, signature or capacity of the person by whom the instrument is signed; Cap. 121.
- (b) every copy of that instrument printed by the Government Printer shall, in all courts in Barbados and for all

purposes, be evidence of the due making of that instrument and of its contents; and

- (c) every copy of that instrument purporting to have been printed by the Government Printer shall be deemed to have been so printed unless the contrary is proved.

(4) In an enactment every description of or citation from any other enactment or from any document shall be construed as including the word, subsection, section, or other portion mentioned or referred to as forming the beginning or as forming the end of the portion comprised in the description or citation or as being the point from which or to which such portion extends.

52. An Act contained in any revised edition of the laws of Barbados issued under any Act providing for the revised edition of such laws may be cited by its short title or by its Chapter number in the revised edition printed by authority of law.

Citation of revised Acts.

53. (1) The Acts shall be printed, published and distributed by the Government Printer.

Printing and distribution.

(2) The Clerk of the Senate shall furnish to the Government Printer a certified copy of every Act so soon as it has received the Royal Assent.

(3) Every copy of an Act printed by the Government Printer shall be evidence of that Act and its contents and every copy purporting to have been printed by the Government Printer shall be deemed to have been so printed unless the contrary is shown.

(4) As soon as practicable after the 31st day of December in each year the Government Printer shall cause to be bound together in volumes in a permanent manner all the Acts passed and all subsidiary laws made in that year, together with a chronological table and index. The number of volumes to be so prepared and the number to be placed on sale and the persons to whom they are to be so distributed shall be prescribed by the Cabinet.

54. (1) This Act and all Acts passed after the 16th June, 1966, shall be of record in the custody of the Clerk of the Senate.

Recording of Acts and certification.

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(2) Where the Clerk of the Senate is required to certify a copy of an Act for any purpose he shall insert at the foot of each copy required to be certified a written certificate duly signed and authenticated by him to the effect that such copy is a true copy.

(3) Copies of Acts duly certified under subsection (2) shall be held to be duplicate originals and shall be evidence of the Acts and of their contents as if printed by authority of law.

Transitional
provisions.

55. The provisions of the Schedule operate and have effect in respect of any enactments made or passed before the 16th June, 1966.

SCHEDULE

Section 55

1. Where by or under any Act a power to make an appointment is conferred, the authority having power to make the appointment shall also have the power to suspend or dismiss any person appointed in exercise of the power.

2. Where by or under any Act any powers are conferred or any duties imposed upon a public officer, the Governor-General may direct that if by reason of absence or inability to act through illness or any other cause that public officer is during any period unable to exercise the powers or perform the duties of his office, those powers shall be used and may be exercised and those duties shall be performed by a person named by the Governor-General or by the public officer holding the office designated by the Governor-General; and thereupon that person or public officer, during any such period, shall have and may exercise those powers and shall perform those duties subject to such conditions, exceptions and qualifications as the Governor-General may direct.

3. Notwithstanding anything in any enactment, where the substantive holder of a public office (in this section referred to as "the retiring officer") is on leave of absence pending relinquishment of that office, another person may be appointed substantively to that office, and a person so appointed may exercise all the powers and perform all the duties of that office to the exclusion of the retiring officer and, without prejudice to any rights and privileges of the retiring officer with respect to emoluments and pension, shall be entitled to all rights and privileges (including those relating to emoluments and pension) attaching to the office.

4. (1) Where any Act provides that subsidiary legislation made thereunder—

- (a) is to be laid before each House; and
- (b) may or is to be annulled if either House so resolves within the period so provided,

such provision shall have effect and shall be deemed always to have had effect as if in the reckoning of such period only such time as Parliament is dissolved or prorogued shall not be taken into account.

(2) In this paragraph and in any enactment passed or made before the 16th June, 1966, the expression "subsidiary legislation" shall mean any proclamation, rule, regulation, order, notice, bye-law, scheme or other instrument made under any Act or other lawful authority and having legislative effect.

5. In any enactment passed or made before the 16th June, 1966—

- (a) the expression "Imperial Act" shall mean an Act of the Parliament of the United Kingdom;
- (b) the expression "Imperial Parliament" shall mean the Parliament of the United Kingdom;
- (c) references to "the Great Seal" shall be construed as references to the Public Seal of the Island.

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