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LAW REVISION

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CHAPTER 2

LAW REVISION

An Act to make provision for the preparation and publication of a new edition of the Laws of Barbados and for the maintenance of the Laws of Barbados on a cumulative basis. 1967—49.
1975—17.
1978—5.
1983—37.

[14th September, 1967] Commence-
ment.

PART I — PRELIMINARY

1. This Act may be cited as the *Law Revision Act*. Short title.
2. For the purposes of this Act Interpretation.
 - “annual supplement” means the annual supplement prepared under section 14;
 - “Commissioners” means the persons appointed under section 3;
 - “cumulative edition” means the revised edition as revised from time to time by the Law Revision Commissioner in accordance with Part III;
 - “enactment” includes Acts and subsidiary laws;
 - “Federal legislation” means legislation enacted by the Legislature of the former West Indies Federation and continued in force in Barbados; 1975—17.
 - “law” means written law and includes enactment, United Kingdom legislation, and Federal legislation; 1975—17.
 - “Law Revision Commissioner” means the person appointed under section 13 to maintain the cumulative edition;
 - “Laws of Barbados” means the revised edition or, as soon as an annual supplement has been published, the cumulative edition and any revised edition of the subsidiary laws

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or subsequent cumulative edition of subsidiary laws prepared under the authority of Part IV;

“revised edition” means the revised edition of the Laws of Barbados prepared under the authority of Part II;

“subsidiary laws” includes any proclamation, rule, regulation, bye-law, Order-in-Council, order, notice or form made or issued under the authority of any law;

“1944 revised edition” means the revised edition prepared under the authority of the Statute Laws (New Edition) Act, 1935¹ and brought into operation on the 29th December, 1944;

“United Kingdom legislation” means any Acts of the United Kingdom Parliament and Orders-in-Council in force in Barbados on the appointed day.

PART II — PREPARATION OF THE REVISED EDITION

Appoint-
ment and
functions of
Com-
missioners.

3. (1) The Governor-General shall by instrument appoint such persons as he thinks fit to be Commissioners for the purposes of this Part.

1975—17.

(2) The Commissioners shall cause to be prepared and published in accordance with the provisions of this Act a revised edition of the Laws of Barbados enacted or brought into force prior to such day as the Governor-General shall appoint.

1975—17.

(3) Notwithstanding subsection (2), there may be included in the revised edition any law enacted or brought into force after the appointed day, if the Governor-General by order so directs.

(4) If a Commissioner is from any cause unable fully to perform his functions the Governor-General may appoint another fit and proper person to be a Commissioner in his stead.

¹ 1935—1.

4. (1) Subject to subsection (2) of section 7, the revised edition shall contain Contents of revised edition.

- (a) all Acts contained in the 1944 revised edition which are still in force on the appointed day and all Acts enacted subsequent to the date of the latest of the Acts contained in the 1944 revised edition, which are in force on the appointed day;
- (b) all laws which have been enacted but not brought into force on the appointed day; 1975—17.

- (c) any law authorised to be included pursuant to subsection (3) of section 3;
- (d) such United Kingdom legislation or Federal legislation as the Commissioners think proper to be included;
- (e) a table of contents, a chronological table of Acts and an index.

(2) The enactments and the provisions of enactments specified in Parts I and II of the Schedule shall be omitted from the revised edition. 1975-17.
Schedule.

(3) The Governor-General may, at any time before the publication of the revised edition, by order vary or add to the Schedule.

5. (1) The revised edition shall, subject to section 11(3), be published in loose-leaf form and shall comprise such pages as the Governor-General authorises under subsection (2). Revised edition to be published in loose-leaf form.

(2) The Governor-General shall authorise the inclusion in the revised edition of the pages to be comprised therein and each page shall bear a reference to the fact that it was printed by the authority of the Government of Barbados. 1975-17.

6. (1) The revised edition shall be printed in such number of volumes and divided into so many Books and Titles and Chapters and Parts as the Commissioners think fit. Arrangement of revised edition.

(2) Subject to paragraphs (a) and (b) of section 8, each law shall be made a Chapter or portion of a Chapter of the revised edition and all such laws shall, irrespective of the date of enactment, be arranged in such sequence and groups and generally in such consecutive order and shall be designated by such numbers showing their place in the revised edition as the Commissioners may determine. 1975-17.

(3) There shall be annexed to each law contained in the revised edition the year and number by which such law had previously been denoted, as well as the year and number of any other law the provisions of which have been incorporated into it by virtue of the powers contained in this Part. 1975-17.

7. (1) In the preparation of the revised edition, the Commissioners may omit— Powers of Commissioners to omit provisions.

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- (a) all laws or provisions of laws which have been repealed expressly or by necessary implication or which have expired or have become spent;
- (b) all repealing provisions in any law, and all tables or lists of repealed laws, whether contained in schedules or otherwise;
- 1975-17. (c) all preambles or parts of preambles and long titles to laws where such omission can, in the opinion of the Commissioners, be conveniently made;
- 1975-17. (d) all words of enactment in any law or provision of any law;
- 1975-17. (e) all laws and enactments prescribing the date when any law or any provision of any law is to come into force, where such omission can, in the opinion of the Commissioners, be conveniently made;
- (f) all amending laws or provisions of laws where the amendments effected by such laws or provisions have been embodied by the Commissioners in the laws to which they relate;
- 1975-17. (g) all subsidiary legislation contained in schedules to laws under the authority whereof they are made, where such omission can, in the opinion of the Commissioners, be conveniently made;
- 1975-17. (h) the definition of any expression in any law or any provision in any law which, in the opinion of the Commissioners, can be omitted having regard to the provisions of the Interpretation Act.
- Cap. 1.
1975-17. (2) Subsection (1) of section 29 of the Interpretation Act shall apply to omissions made by virtue of subsection (1) as if the enactment or law omitted had been repealed.

Other
powers of
Com-
missioners.
1975-17.

8. In the preparation of the revised edition, the Commissioners shall have the following additional powers—

- (a) where by any law any amendment has been made to any other law, to alter the amended law in the manner prescribed by the amending law;
- (b) to consolidate into one law any two or more laws *in pari materia*, or to divide into two or more laws any law the provisions of which are not *in pari materia*,

making such alterations in the consolidated or, as the case may be, the separated laws as in the opinion of the Commissioners are thereby rendered necessary, and assigning to any such law such date as they think proper;

- (c) to alter the order of sections in any law and, where they think it necessary to do so, to renumber the sections of any law;
- (d) to alter the form or arrangement of any section of any law, either by combining it in whole or in part with another section or other sections or by dividing it into two or more subsections or by transposing words;
- (e) to divide any law, whether consolidated or not, into parts or other divisions and to give to each such part or division a suitable heading;
- (f) to transfer any provision contained in any law from that law to any other law to which, in the opinion of the Commissioners, it more properly belongs;
- (g) to add a short title or citation to any law which, in the opinion of the Commissioners, requires it and, if in their opinion it is necessary, to alter the long title or short title or citation of any law;
- (h) to clarify (whether by shortening, expansion or otherwise) the language of any provision of any law appearing to the Commissioners to require such clarification;
- (i) to frame and insert in any law definitions of words and phrases used therein and to substitute for definitions of words or phrases used in any law such other definitions as appear to the Commissioners to be more appropriate;
- (j) to correct grammatical, typographical and other like mistakes and omissions in the existing copies of laws and for that purpose to make verbal additions, omissions or alterations not affecting the meaning of any law;
- (k) to supply or alter marginal notes and tables showing the arrangement of sections;
- (l) to correct cross-references in any law;
- (m) to correct the punctuation in any law;

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- (n) to provide footnotes by way of amplification;
- (o) to make formal alterations as to names, localities, offices, titles and otherwise as are necessary to bring laws into conformity with the circumstances of this Island;
- (p) to make such formal alterations to any law as are necessary for the purpose of securing uniformity of expression in the revised edition;
- (q) where a reference in any law to the armed forces of the Crown (however expressed) does not refer to the Royal Air Force to insert such (if any) reference to that Force as may be appropriate;
- (r) to substitute in any law for any reference to pounds, shillings or pence a reference to an equivalent amount of dollars or cents computed at the rate of four dollars and eighty cents for each pound, twenty-four cents for each shilling and two cents for each penny;
- (s) to make adaptations of or amendments in any law as appear to the Commissioners to be necessary or proper as a consequence of any change in the constitution of this Island or of any of Her Majesty's dominions or of any member of the Commonwealth or in the composition of the Commonwealth;
- (t) to do all such things relating to form and method as appear to the Commissioners to be necessary for the perfecting of the revised edition.

9. [Repealed by Act 1975-17.]

No power to make alterations of substance.

10. Nothing in section 7 or section 8 shall empower the Commissioners to make any alteration or amendment in the substance or otherwise affecting the meaning of any law or provision of any law.

Binding of revised edition.

11. (1) The Cabinet shall, after consultation with the Commissioners, make such arrangements as it thinks expedient for the printing and publication of the revised edition.

(2) Subject to subsection (3), the Cabinet shall give such directions as it thinks fit with respect to the number of copies to be printed and the form of the loose-leaf binding.

(3) Notwithstanding subsection (1) of section 5, the Commissioners—

- (a) shall cause nine copies of the revised edition to be bound as volumes in book form;
- (b) shall certify each such copy, on the title page of each volume thereof, to contain a true copy of the revised edition prepared by them; and
- (c) shall cause one such copy to be delivered to the Governor-General, to the Clerk of Parliament, to the Registrar of the Supreme Court, to the Attorney-General, to the Law Revision Commissioner, to the Public Librarian, to the Librarian of the University of the West Indies, and to the Archivist, and those officers shall respectively retain those copies for the purpose of record. 1975-17.

(4) Every publication made by the Law Revision Commissioner in accordance with Part III shall be filed by the Clerk of Parliament and shall be bound and retained by him for the purposes of record. 1975-17.

(5) If for any purpose a copy of any publication filed with the Clerk of Parliament in accordance with subsection (4) is required to be certified, the Clerk of Parliament shall insert at the foot of a copy of that publication a written certificate duly authenticated by him to the effect that such copy is a true copy of that publication.

(6) A publication certified under subsection (5) shall be evidence of that publication and of its contents contained in the cumulative edition.

12. (1) The revised edition or such part or parts thereof as the Governor-General thinks fit, shall come into operation on such day as the Governor-General may appoint by proclamation. Bringing into force and validity of revised edition. 1975-17.

(2) Subject to section 22, the revised edition shall, from the day appointed under subsection (1), be in all courts and for all purposes the sole and proper statement of the laws enacted or brought into force in Barbados prior to such day as the Governor-General appoints under section 3(2) as revised and reproduced in the revised edition.

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PART III—MAINTENANCE OF THE CUMULATIVE EDITION

Appointment and function of Law Revision Commissioner.

13. The Governor-General shall by instrument appoint a Law Revision Commissioner whose function it shall be to maintain the cumulative edition by the preparation and publication of the annual supplement.

Preparation of annual supplement. 1975-17.

14. (1) Subject to section 16, as soon as practicable after the 31st December of the year in which the revised edition comes into force, and of each succeeding year thereafter, the Law Revision Commissioner shall revise the Laws of Barbados by preparing in accordance with the provisions of this Part an annual supplement comprising—

- (a) such pages as in his opinion are necessary in order that the cumulative edition may contain—
 - (i) all such laws as are required by this Act to be included therein,
 - (ii) a current table of contents,
 - (iii) a chronological table of Acts,
 - (iv) an index, and
 - (v) a table of any Acts or laws omitted under section 18(e); and

(b) instructions for the insertion of such pages in the revised edition or cumulative edition, as the case may be.

(2) Nothing in this section shall be construed so as to—

(a) prevent the Law Revision Commissioner from preparing and publishing pages for inclusion in the cumulative edition at intervals more frequent than those provided by subsection (1); or

1975-17.

(b) prevent the Law Revision Commissioner from authorising the inclusion in the cumulative edition of such pages and the removal therefrom of any pages, in accordance with section 15.

Inclusion and removal of pages from cumulative edition. 1975-17.

15. (1) The Law Revision Commissioner may with the approval of the Governor-General by order authorise the inclusion in the Laws of Barbados of pages and instructions prepared in accordance with section 14(1), and every page and any instructions whose inclusion is so authorised shall bear a

reference to the authorising order, in addition to a statement that it is printed by the authority of the Government of Barbados.

(2) Any order made under this section may authorise the removal from the revised edition or cumulative edition of any page—

- (a) which has been replaced by a new page authorised by such an order to be included therein; or
- (b) where the provisions contained in that page may be omitted from the revised edition or cumulative edition by the Law Revision Commissioner by virtue of the powers conferred upon him by this Part.

(3) The inclusion in the cumulative edition or removal from the revised edition or cumulative edition of a page by authority of an order made under this section shall have effect from such date as is specified in the order.

(4) An order made under this section or section 16 shall be known as a Law Revision Order. 1975-17.

16. (1) In maintaining the cumulative edition the Law Revision Commissioner may, where he deems it expedient in the interests of economy or convenience, as an alternative or addition to the preparation of an annual supplement under section 14 and the inclusion of pages in or removal of pages from the revised edition or cumulative edition under section 15, by order authorise the insertion, at such place in the revised edition or cumulative edition as the Law Revision Commissioner directs, of a page of amendments (in this section referred to as an amendment page) stating the law as amended.

Power of Law Revision Commissioner to insert pages of amendments in the cumulative edition. 1975-17.

(2) Nothing in this section shall be construed as preventing the Law Revision Commissioner from removing any amendment page inserted under subsection (1) and replacing it by a page in accordance with section 15.

(3) Every amendment page shall bear such references as are required by section 15(1), and until the Law Revision Commissioner by order authorises its removal therefrom, shall for all purposes be deemed to form part of the cumulative edition.

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Powers of Law Revision Commissioner.

17. The provisions of sections 6 to 11 relating to the preparation of the revised edition and the provisions of subsection (2) of section 12 relating to the validity of the revised edition shall in so far as they are applicable apply *mutatis mutandis* and have effect for the purpose of maintaining the cumulative edition and with respect to the validity thereof.

Additional powers of Law Revision Commissioner.

18. Without prejudice to section 17, the Law Revision Commissioner in the maintenance of the cumulative edition shall have the following additional powers—

- (a) to rectify any clerical or printing error appearing in the revised edition or cumulative edition or, subject to the provisions of this Act, any other error so appearing;
- (b) to alter the number of the Chapter of any law contained in the revised edition or cumulative edition;
- (c) to alter the sequence of groups in which the laws in the revised edition or cumulative edition have been arranged and to alter the heading prefixed to any Book, Title or Part;
- (d) to transfer any law contained in any Book or Title to any other Book or Title to which in the opinion of the Law Revision Commissioner it more properly belongs;
- (e) to omit from the annual supplement—
 - (i) any Appropriation Act or any law (whether comprising financial provisions or not) that in the opinion of the Law Revision Commissioner will within one year of its having been brought into force have expired or become spent,
 - (ii) any loan Act or loan guarantee Act, or
 - (iii) any other Act authorised by order of the Law Revision Commissioner to be omitted from the Laws of Barbados.

1975-17.

1975-17.
1978-5.

PART IV—REVISION OF SUBSIDIARY LAWS

Appointment and function of Commissioners.

19. (1) The Governor-General may by instrument appoint such persons as he thinks fit to be Commissioners for the purpose of preparing a revised edition of the subsidiary laws of Barbados.

(2) As from the date of such instrument the provisions of Parts I and II relating to the preparation and validity of the revised edition shall in so far as they are applicable apply *mutatis mutandis* and have effect for the purpose of preparing

and bringing into force the revised edition of the subsidiary laws and with respect to the validity thereof.

20. (1) When the revised edition of the subsidiary laws has been published, the Governor-General may by instrument direct the Law Revision Commissioner to maintain a cumulative edition of such laws.

Cumulative edition of subsidiary laws.

(2) As from the date of such instrument the provisions of Part III relating to the maintenance and validity of the cumulative edition shall in so far as they are applicable apply *mutatis mutandis* and have effect for the purpose of maintaining the cumulative edition of the subsidiary laws and with respect to the validity thereof.

PART V — MISCELLANEOUS PROVISIONS

21. Without prejudice to anything contained in the *Interpretation Act*, a reference in any enactment to a provision of any law which by virtue of this Act has been embodied in the Laws of Barbados shall, in so far as it is applicable, be deemed to extend and apply to the corresponding provision of the Laws of Barbados.

Construction of references. Cap. 1.

22. No law omitted under the authority of any provision of this Act from the revised edition, any annual supplement, the revised edition of subsidiary laws or any supplement thereto, shall be deemed to be without force and validity by reason only of its having been so omitted.

Saving of laws omitted from revised edition, etc. 1975—17.

22A. (1) Where an omission made in the publication of the Laws of Barbados comes to the attention of the Law Revision Commissioner, the Commissioner shall forthwith rectify the omission in the manner prescribed by subsection (2).

Rectification of omissions in the Laws of Barbados. 1983—37.

(2) The Law Revision Commissioner may by a Law Revision Order, remove, insert or replace such pages in the Laws of Barbados as are specified in the order for the purpose of rectifying the omission from the laws.

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(3) Notwithstanding subsection (2), where the Law Revision Commissioner deems it expedient in the interests of convenience, economy or expedition, he may by order rectify the omission by publishing a list containing the laws so omitted as an alternative to the manner prescribed by subsection (2).

(4) An order under this section may be made to have retrospective effect and shall be tabled in Parliament.

(5) In this section, "omission" means any omission from the Laws of Barbados otherwise than in accordance with this Act.

Omissions to continue to form part of the laws. 1983—37.

22B. (1) Where an order is made under section 22A,

(a) the pages specified or the laws listed in the order, as the case may be, shall be deemed to have remained in force as part of the Laws of Barbados as from the date specified in the order, notwithstanding the provisions of section 12(2), and

Cap. 1.

(b) section 29(1) of the *Interpretation Act* shall apply as the circumstances require to the omissions rectified by such an order as it applies to the repeal or revocation of any enactment.

Saving of existing subsidiary laws. 1975—17.

23. The inclusion of any law or enactment in the Laws of Barbados shall not, unless otherwise provided, affect the validity or operation of any subsidiary law made under the authority of such law or enactment.

Expenses.

24. The expenses of and incidental to the preparation, maintenance and publication of the Laws of Barbados shall be paid out of such moneys as may be voted for that purpose by Parliament.

Distribution and judicial notice of Laws of Barbados.

25. (1) Copies of the revised edition, the revised edition of subsidiary laws, the annual supplement and the annual supplement of subsidiary laws shall

(a) be distributed among such persons, officers, departments and institutions as the Cabinet may direct;

(b) be disposed of at such price as the Cabinet shall determine and the proceeds therefrom shall be paid into the Consolidated Fund.

(2) The Laws of Barbados shall be judicially noticed, unless the contrary is expressly stated in any enactment. 1975—17.

26. (1) Any person who

(a) prints any copy of any pages of the Laws of Barbados which falsely purports to have been printed by the Government Printer or under the authority of the Government of Barbados or tenders in evidence any such copy knowing that it was not so printed;

(b) forges any certificate authorised under this Act to be inserted at the foot of any publication issued by the Law Revision Commissioner or tenders in evidence such a certificate knowing it to have been forged,

is guilty of an offence and is liable on summary conviction to a fine of not less than five hundred dollars and not more than five thousand dollars or to imprisonment for a term not exceeding 2 years or both.

(2) For the purposes of paragraph (a) of subsection (1), “prints” includes the reproduction by means other than by printing.

Offences.
1975—17.

SCHEDULE

s.4(2).

PART I

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¹Saint Michael Parish Girls' School Act, 1924, 1924-5
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¹Saint George's Parochial Medical Officer's Residence Act, 1929, 1929-5
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 Barbados Cricket Association Act, 1933, 1933-12
¹Saint Michael's Parish Loan Act, 1934, 1934-3
¹Saint Michael's Parish Loan Act, 1934, (No. 2), 1934-4
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¹ Repealed in part by Law Revision (Miscellaneous Repeals) Act, 1967, 1967-59 (not reprinted in these *Laws*).

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¹ Repealed in part by Law Revision (Miscellaneous Repeals) Act, 1967, 1967-59 (not reprinted in these *Laws*).

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Barbados Association for the Blind and Deaf (Incorporation) Act, 1957, 1957-14
Pensions (Amendment) Act, 1957, 1957-18
Saint Stephen's Chapel (Vicar's Residence) Act, 1957, 1957-56
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Barbados Fire Insurance Company (Amendment) Act, 1958, 1958-11
Defence (Finance) Regulations (Re-enactment and Validation) Act, 1959, 1959-8
Christ Church Boys Foundation School (Sale of Land) Act, 1959, 1959-17
Public Trustee, Provost Marshal and Official Assignee (Performance of Duties) Act, 1959, 1959-21
Sale of Saint Michael Glebe Lands Act, 1960, 1960-15
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Presentation Brothers Incorporation Act, 1960, 1960-22
United Holy Church of America (Barbados District) (Incorporation) Act, 1960, 1960-26
Chief Secretary (Allocation of Functions) Act, 1961, 1961-21
Barbados National Trust Act, 1961, 1961-58
Junior Chamber of Commerce of Barbados Act, 1961, 1961-64
General Assembly of the Church of God in Barbados (Incorporation) Act, 1961, 1961-65
Barbados National Trust (Exemption from Stamp Duty, Fees and Rates) Act, 1962, 1962-10
Saint Mary's Chapel (Curate's Residence) Act, 1962, 1962-49
Conveyancing and Legal Proceedings (Authorisation) Act, 1963, 1963-4
Church Village Girls School Vesting and Disposal Act, 1963, 1963-7
Saint George's Rectory (Rector's Residence) Act, 1963, 1963-14
Trustees for Roman Catholic Purposes Registered (Incorporation in Barbados) Act, 1963, 1963-15
Young Women's Christian Association Act, 1963, 1963-19
Executive Committee (Vesting of Property and Transfer of Functions) Act, 1964, 1964-12, except sections 4 and 5(2) and (3)²

¹ Repealed in part by Law Revision (Miscellaneous Repeals) Act, 1967, 1967-59 (not reprinted in these Laws).

² See now Crown Lands (Vesting and Disposal) Act, Chapter 225.

West Indies Hospital Funds Limited Act, 1964, 1964-20
Saint Stephen's Chapel (Vicar's Residence) Act, 1965, 1965-16
Local Government (Miscellaneous Provisions) Act, 1966, 1966-5
Irrigation Board (Validation) (Vesting of Property and Transfer of Functions)
Act, 1966, 1966-7, except section 5¹
Barbados Mutual Life Assurance Society (Amendment) Act, 1966, 1966-12
Barbados Turf Club (Remission of Duties) Act, 1967, 1967-12
Marriage (Amendment, Validation and Indemnity) Act, 1967, 1967-13
Marriage Licences Validation Act, 1967, 1967-27
The Barbados Family Planning Association Act, 1967, 1967-55
Christ Church Foundation Schools (Valuation of Transfers of Land) Act, 1969,
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Barbados Association for Children with Intellectual Challenges Act, 1968,
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Barbados Red Cross Society Act, 1969, 1969-35
Manco Investments Limited (Road Improvement) Act, 1970, 1970-17
The African Methodists Episcopal Zion Church (Incorporation) Act, 1970,
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The Moravian Church Barbados Conference (Incorporation) Act, 1970, 1970-25

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Barbados General Hospital Act, 1947, 1947-28
Barbados Cricket Association (Amendment) Act, 1997, 1997-19
First Street Abandonment Act, 1997, 1997-20
Rock Hall (Vesting) Act, 2000, 2000-11
Vicariate in Barbados of the English Province of the Order of Preachers
(Incorporation) Act, 2001, 2001-1

¹ See now Irrigation Act, Chapter 263.