

**THE BRITISH ANTARCTIC TERRITORY**

**THE LAW REVISION ORDINANCE 2016**

**Ordinance No. 1 of 2016**

An Ordinance to provide for the revision and publication of the laws  
of the British Antarctic Territory.

Arrangement of sections.

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ENACTED by the Commissioner for the British Antarctic Territory

14 March 2016



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Peter Hayes

Commissioner



# THE BRITISH ANTARCTIC TERRITORY

## Ordinance No. 1 of 2016

- Citation and commencement. 1. This Ordinance may be cited as the Law Revision Ordinance 2016 and shall come into force forthwith.
- Definitions. 2. In this Ordinance—
- “Commissioner” has the meaning assigned to it by the Interpretation and General Clauses Ordinance 1990;
- “Deputy Commissioner” means the person who has been appointed to this office pursuant to section 10(1) of the British Antarctic Order 1989;
- “Attorney General” means the person holding the office established by section 3 of the Attorney General Ordinance 2016;
- “prescribed” means prescribed by subsidiary legislation;
- “subsidiary legislation” means subsidiary legislation within the meaning of the Interpretation and General Provisions Ordinance 1990 and includes part of subsidiary legislation;
- “Revised Ordinances and Subsidiary Legislation” means the Revised Ordinances and Subsidiary Legislation of the British Antarctic Territory referred to in section 8(6);
- “revision date” means the date as at which the Revised Ordinances and Subsidiary Legislation states the law;
- “ordinance” means an ordinance or part of an ordinance of the Territory;
- “Territory” means the British Antarctic Territory.
- Appointment of Law Revision Officer. 3. (1) The Commissioner may appoint a Law Revision Officer.
- (2) Where no other person is appointed pursuant to subsection (1), the Attorney General is deemed appointed Law Revision Officer.
- General duties of the Law Revision 4. In accordance with this Ordinance, the Law Revision Officer—

Officer.

(a) may—

(i) revise the ordinances and subsidiary legislation that were in force on or after 1<sup>st</sup> January 1990 or were enacted before the prescribed revision date, other than those omitted under section 5(1)(a) or (b),

(ii) prepare an edition of the Revised Ordinances and Subsidiary Legislation and of the appendices described in section 7(3) in printed and in electronic form and in any other form directed by the Attorney General, and

(iii) arrange for the publication of the edition; and

(b) may, before the completion of the edition of the Revised Ordinances and Subsidiary Legislation, prepare an edition of an ordinance and its subsidiary legislation described in paragraph (a) and publish the edition as an interim revised ordinance and its subsidiary legislation, if the Law Revision Officer is of the opinion that resources are sufficient and the administration of the Territory would benefit from the early revision and publication.

Powers of the  
Law Revision  
Officer.

5. (1) In performing his duties under this Ordinance, the Law Revision Officer may—

(a) omit and provide for the repeal of any ordinance or subsidiary legislation that is inoperative, obsolete, expired, spent, has had its effect or has been superseded by or is inconsistent with any later ordinance or subsidiary legislation to be included in the edition of the Revised Ordinances and Subsidiary Legislation;

(b) omit without providing for the repeal of—

(i) any ordinance that provides for the appropriation of money for, or the borrowing of money by, the Government and that is not spent, or

(ii) any ordinance or subsidiary legislation mentioned in section 7(1)(d);

(c) consolidate two or more ordinances or subsidiary legislation into one, divide an ordinance or subsidiary legislation into two or more ordinances or subsidiary legislation and transfer provisions from one ordinance to another, from one item of subsidiary legislation to another or from an ordinance to subsidiary legislation or subsidiary legislation to an ordinance;

- (d) alter the numbering and arrangement of any ordinance or subsidiary legislation including consolidating two or more provisions of an ordinance or subsidiary legislation into one, dividing a provision in an ordinance or subsidiary legislation into two or more provisions and transferring words from one provision to another;
- (e) add, alter or omit any marginal note;
- (f) add a title or heading to an ordinance or subsidiary legislation, alter the title of or any heading in an ordinance or subsidiary legislation or omit any heading from an ordinance or subsidiary legislation;
- (g) divide any ordinance or subsidiary legislation into parts or other divisions and give each part or division a heading;
- (h) add, alter or omit anything that is necessary to bring out more clearly what is deemed to be the intention of the Commissioner or to reconcile seemingly inconsistent ordinances or subsidiary legislation;
- (i) alter the language so as to give simpler, shorter and better expression to the meaning of an ordinance or subsidiary legislation;
- (j) make any alterations in language and punctuation that are desirable to obtain uniformity of expression;
- (k) correct clerical, grammatical and typographical errors;
- (l) omit the preamble from an ordinance or subsidiary legislation;
- (m) make any amendment to a name, locality, office or other similar thing that may be necessary to make an ordinance or subsidiary legislation conform to the circumstances in the Territory;
- (n) make any amendment to an ordinance or subsidiary legislation that appears necessary as a result of constitutional changes in the Territory, in any Commonwealth country or in the composition of the Commonwealth or in any other country;
- (o) include as subsidiary legislation any document published in the *Gazette* that is subsidiary legislation but is not so identified and exclude any document that is identified as subsidiary legislation but is not;
- (p) adopt uniform terminology in describing subsidiary legislation made by a subsidiary legislation-making authority in an ordinance in place of various terms such as “proclamation”, “order” or “rule” in order to facilitate the consolidation of subsidiary legislation into larger units;

(q) add to, or alter the authority in, the ordinance under which subsidiary legislation is made to identify clearly when an exercise of statutory power is subsidiary legislation;

(r) when a subsidiary legislation-making power is sub-delegated without express authority, delete the purported sub-delegation and make such alterations as are necessary to consolidate the subsidiary legislation made under the sub-delegation with the subsidiary legislation that made the sub-delegation;

(s) omit any forms or schedules contained in an ordinance or subsidiary legislation and add authority to an ordinance for forms or schedules to be prescribed by subsidiary legislation;

(t) add a table of contents when the length of the ordinance or subsidiary legislation makes it advisable; and

(u) do any other thing that appears necessary or advisable to perfect the revision.

(2) The powers of the Law Revision Officer referred to in subsections (1)(a) and (c) to (u) shall be exercised so as not to change the substance of the law.

Duty of Law  
Revision Officer  
relating to  
amendments.

6. (1) This section applies when the Law Revision Officer is not the Attorney General.

(2) If, before the publication of the edition of the Revised Ordinances and Subsidiary Legislation—

(a) the Law Revision Officer considers that an amendment affecting the substance of an ordinance or subsidiary legislation is advisable; and

(b) the Attorney General agrees;

the Law Revision Officer shall draft the amendment for the consideration of the Attorney General.

(3) If the amendment is enacted in sufficient time, the Law Revision Officer shall include it in the edition of the Revised Ordinances and Subsidiary Legislation.

Form and  
content of the  
revised edition.

7. (1) The edition of the Revised Ordinances and Subsidiary Legislation shall contain—

(a) the ordinances and subsidiary legislation referred to in section 4(a), other than those omitted under sections 5(1)(a) and (b);

- (b) a schedule of the principal ordinances and subsidiary legislation omitted from and repealed on the coming into force of the edition;
- (c) a schedule of the principal ordinances and subsidiary legislation consolidated in the edition;
- (d) a schedule of principal ordinances and subsidiary legislation not repealed by the edition and an indication as to whether the ordinance or subsidiary legislation is consolidated;
- (e) a schedule showing the disposal of principal ordinances and subsidiary legislation that were in force on 1<sup>st</sup> January 1990 or were enacted after that date but before the revision date of the edition; and
- (f) any other tables, explanatory material or indexes the Law Revision Officer considers desirable to include.

(2) Two or more of the schedules referred to in subsection (1) may be combined.

(3) The Law Revision Officer shall set out in appendices to the edition of the Revised Ordinances and Subsidiary Legislation any laws of the United Kingdom and any treaties and conventions applicable to the Territory that the Law Revision Officer considers desirable to include.

Bringing revised  
edition into  
force.

8. (1) When the edition of the Revised Ordinances and Subsidiary Legislation is complete, the Law Revision Officer and the Attorney General shall—

- (a) authenticate it by signing it; and
- (b) deliver it to the Commissioner.

(2) The Commissioner shall consider the edition of the Revised Ordinances and Subsidiary Legislation and if he considers it appropriate, may by proclamation declare the day on which the edition of the Revised Ordinances and Subsidiary Legislation is to come into force.

(3) The day as at which the edition of the Revised Ordinances and Subsidiary Legislation states the law shall be indicated on the edition.

(4) The day referred to in subsection (2) shall not be earlier than the day that copies of the edition of the Revised Ordinances and Subsidiary Legislation are ready for distribution to those persons specified in section 11(2).

(5) Notwithstanding subsection (2), if an ordinance or subsidiary legislation in the edition of the Revised Ordinances and Subsidiary Legislation is stated in the edition to come into force on publication of a proclamation, notice or other instrument, the following applies—

(a) if the ordinance or subsidiary legislation was not in force before the date on which the edition comes into force, the declaration under subsection (2) does not operate to bring the corresponding revised ordinance or subsidiary legislation into force;

(b) if the original ordinance or subsidiary legislation was in force before the revised edition came into force, the declaration under subsection (2) operates to bring the corresponding revised ordinance or subsidiary legislation into force.

(6) The edition of the Revised Ordinances and Subsidiary Legislation that the Commissioner has by proclamation declared to come into force is the original version of the revised ordinances and subsidiary legislation set out in it.

Citation of Revised Ordinances and Subsidiary Legislation.

9. (1) On and after the date it comes into force, the edition of the Revised Ordinances and Subsidiary Legislation shall be known under the designation “Revised Ordinances and Subsidiary Legislation of the British Antarctic Territory”.

(2) An ordinance in the Revised Ordinances and Subsidiary Legislation may be cited by its title and the designation “Revised Ordinances of the British Antarctic Territory” followed by its chapter number or “R.O.B.A.T.” followed by its chapter number in the format “c. [insert number]”.

(3) Subsidiary legislation in the Revised Ordinances and Subsidiary Legislation may be cited by its title and the designation “Revised Subsidiary Legislation of the British Antarctic Territory”, or “R.S.L.B.A.T.”, followed by its number.

Effect of revised edition.

10. (1) On the date the edition of the Revised Ordinances and Subsidiary Legislation comes into force, an ordinance or subsidiary legislation shown as being—

(a) omitted from and repealed by the Revised Ordinances and Subsidiary Legislation; or

(b) consolidated in the Revised Ordinances and Subsidiary Legislation;

is repealed to the extent shown.

(2) The Revised Ordinances and Subsidiary Legislation shall not be held to operate as new law but shall be construed and have effect as a consolidation of the law contained in the ordinances and subsidiary legislation for which the Revised Ordinances and Subsidiary Legislation were substituted.

(3) The various provisions of the Revised Ordinances and Subsidiary Legislation corresponding to and substituted for the ordinances and subsidiary legislation previously in force shall, when they are the same in effect as those of the previous ordinances and subsidiary legislation, operate retrospectively as well as prospectively and shall be deemed to have been passed respectively on the days on which the corresponding previous ordinances and subsidiary legislation came into force.

(4) Subject to any subsidiary legislation made under section 12, if on any point the provisions of the Revised Ordinances and Subsidiary Legislation are not in effect the same as the ordinances and subsidiary legislation for which they are substituted, then, notwithstanding section 5, with respect to all transactions, matters and things on or subsequent to the day on which the Revised Ordinances and Subsidiary Legislation came into force, the provisions contained in them prevail, but with respect to all earlier transactions, matters and things the previous ordinances and subsidiary legislation prevail.

(5) Subsidiary legislation included in the Revised Ordinances and Subsidiary Legislation as a result of the exercise of a power in section 5(1)(c), (o), (q) or (s) is deemed to have been made under the ordinance in the Revised Ordinances and Subsidiary Legislation pursuant to any provisions under which it might have been made.

(6) A reference in—

(a) an ordinance or subsidiary legislation that is omitted from but not repealed by the Revised Ordinances and Subsidiary Legislation; or

(b) any instrument or document;

to an ordinance or subsidiary legislation that is repealed by the Revised Ordinances and Subsidiary Legislation shall, after the Revised Ordinances and Subsidiary Legislation come into force, be held with respect to any subsequent transaction to be a reference to the ordinance or subsidiary legislation in the Revised Ordinances and Subsidiary Legislation having the same effect as the repealed ordinance or subsidiary legislation.

Publication and  
distribution.

11. (1) The Revised Ordinances and Subsidiary Legislation shall be published in a set of printed volumes.



(2) A set of the Revised Ordinances and Subsidiary Legislation shall be given to each of the following persons—

- (a) the Commissioner;
- (b) the Deputy Commissioner;
- (c) the Judge of the Supreme Court;
- (d) the Registrar of the Supreme Court;
- (e) the Senior Magistrate;
- (f) the Law Revision Officer;
- (g) the Attorney General;

(3) The Revised Ordinances and Subsidiary Legislation may be—

- (a) published for general distribution in the printed form and in any other form that the Commissioner directs;
- (b) distributed to the persons, offices, departments and institutions within or outside the Territory as directed by the Commissioner; and
- (c) offered for sale to the public on the terms authorised by the Commissioner.

(4) In paragraph (3)(c), “sale” includes a contractual right of access by remote computer to an electronic version of the Revised Ordinances and Subsidiary Legislation.

Correction of revised edition.

12. (1) The Commissioner may, not later than one year after the day on which the edition of the Revised Ordinances and Subsidiary Legislation comes into force under section 8(2), make subsidiary legislation to rectify any error in the Revised Ordinances and Subsidiary Legislation in a manner not inconsistent with the powers of revision given to the Law Revision Officer.

(2) Subsidiary legislation made under subsection (1) may be made retroactive to the revision date of the Revised Ordinances and Subsidiary Legislation.

Interim revised edition.

13. (1) Subject to this section, this Ordinance applies, with all necessary modifications, to an edition of an interim revised ordinance and its subsidiary legislation prepared under section 4(b).

(2) An edition of an interim revised ordinance and its subsidiary legislation shall repeal the ordinance and subsidiary legislation for which it is substituted.

(3) When an edition of an interim revised ordinance and its subsidiary legislation is complete, the Law Revision Officer and the Attorney General shall—

(a) authenticate it by signing it; and

(b) deliver it to the Commissioner.

(4) The edition of an interim revised ordinance and its subsidiary legislation comes into force on the day specified in it as the day as at which it shows the law.

(5) The day referred to in subsection (4) shall not be earlier than the day that copies of the edition of the interim revised ordinance and its subsidiary legislation are ready for distribution to those persons specified in section 11(2).

(6) A reference in—

(a) an ordinance or subsidiary legislation; or

(b) any instrument or document;

to an ordinance or subsidiary legislation that is repealed in an edition of an interim revised ordinance or subsidiary legislation shall, after the edition comes into force, be held with respect to any subsequent transaction to be a reference to the ordinance or subsidiary legislation in the interim revised ordinances and its subsidiary legislation having the same effect as the repealed ordinance or subsidiary legislation.

(7) The edition of an interim revised ordinance and its subsidiary legislation delivered to the Commissioner is the original version of the interim revised ordinance and its subsidiary legislation set out in it and may be delivered to the Deputy Commissioner for safekeeping.

(8) The date as at which an edition of an interim revised ordinance and its subsidiary legislation states the law shall be indicated on the edition.

(9) An ordinance in an edition of the interim revised ordinance and its subsidiary legislation may be cited by its title and the designation “Interim Revised Ordinance of the British Antarctic Territory” followed by its chapter number, or by the abbreviation “I.R.O.B.A.T.” followed by

its chapter number in the format “c. [insert number]”, and the date as at which the edition states the law.

(10) Subsidiary legislation in an edition of the interim revised ordinance and its subsidiary legislation may be cited by its title and the designation “Interim Revised Subsidiary Legislation of the British Antarctic Territory” followed by its subsidiary legislation number, or the abbreviation “I.R.S.L.B.A.T.” followed by its subsidiary legislation number, and the date as at which the edition states the law.

Supplement.

14. (1) The Law Revision Officer may revise the ordinances and subsidiary legislation enacted after the revision date prescribed for the edition of the Revised Ordinances and Subsidiary Legislation in order to bring the ordinances and subsidiary legislation into conformity with the Revised Ordinances and Subsidiary Legislation.

(2) The provisions of this Ordinance relating to the preparation, bringing into force and interpretation of the Revised Ordinances and Subsidiary Legislation apply, with all necessary modifications, to the ordinances and subsidiary legislation revised under this section.

Periodic  
revision of  
ordinances and  
subsidiary  
legislation.

15. (1) After the date that the Revised Ordinances and Subsidiary Legislation come into force, the Law Revision Officer may—

(a) revise those ordinances and subsidiary legislation that, in the opinion of the Law Revision Officer, require revision and that were enacted, whether or not they were in force, on the previous revision date or after that date but before a subsequent revision date established by the Law Revision Officer as the date as at which the ordinances and subsidiary legislation revised show the law;

(b) prepare an edition of those ordinances and subsidiary legislation in printed and electronic form and in any other form directed by the Attorney General; and

(c) arrange for the publication of the edition;

and the edition comes into force on a day the Commissioner, by proclamation, declares to be the day on which the edition of the revised ordinance or subsidiary legislation comes into force.

(2) The ordinances and subsidiary legislation referred to in subsection (1) shall be authenticated by the Law Revision Officer and delivered to the Commissioner.

(3) The day as at which the revised edition of the ordinances and subsidiary legislation shows the law shall be indicated on the edition.

(4) The day referred to in subsection (1) shall not be earlier than the day that copies of the revised edition referred to in subsection (1) are ready for distribution to those persons specified in section 11(2).

(5) A reference in—

- (a) an ordinance or subsidiary legislation; or
- (b) any instrument or document;

to an ordinance or subsidiary legislation that is repealed in a revised edition referred to in subsection (1) shall, after the revised edition referred to in subsection (1) comes into force, be held with respect to any subsequent transaction to be a reference to the ordinance or subsidiary legislation in the revised edition having the same effect as the repealed ordinance or subsidiary legislation.

(6) The revised edition referred to in subsection (1) authenticated by the Law Revision Officer is the original version of the revised edition of the ordinances and subsidiary legislation set out in it.

(7) Subject to this section, the provisions of this Ordinance applicable to the Revised Ordinances and Subsidiary Legislation, and more particularly sections 5, 7, 8(5), 9 and 10(1) to (5), apply, with appropriate changes as the circumstances require, to the revised edition referred to in subsection (1).

Correction of errors in periodic revision.

16. The Commissioner may by notice correct any error in a revised edition of an ordinance or subsidiary legislation referred to in section 15, including any error in consolidation or revision and any grammatical, clerical, typographical, numbering, cross-referencing or other similar error, and may make the notice retroactive to the extent necessary to give effect to the correction.

Subsidiary legislation.

17. The Commissioner may make subsidiary legislation to give effect to the provisions of this ordinance.