

STATUTE LAW REVISION ACT, 1980

An Act to provide for the preparation, printing and publication of revised editions of the laws of Malta, and for matters connected therewith or ancillary thereto.

22nd February, 1980

ACT IX of 1980, as amended by Acts XLIX of 1981, VIII of 1985, XXX of 1990, XXIV of 1995, XVII of 1999, XIII of 2000, III of 2004; and Legal Notice 407 of 2007.

1. The title of this Act is Statute Law Revision Act, 1980.

Title.

2. In this Act, unless the context otherwise requires -

Interpretation.
Amended by:
XVII.1999.2.

"revised edition" means an edition of the laws of Malta prepared under this Act;

"the Commission" means the Law Commission appointed under article 3 of this Act;

"statute law" includes any instrument having the force of law;

"the Minister" means the Minister responsible for the Law Commission.

3. (1) For the purpose of preparing, from time to time at intervals of not less than ten years, a revised edition of the statute laws of Malta, and for the purpose of preparing a Maltese text of all statute laws enacted or published without a Maltese text, the Minister may appoint a Commissioner, or a body of Commissioners consisting of such number of Commissioners as may for the time being be in office, to be known in either case as the Law Commission:

The Law
Commission.

Provided that where Parliament has provided that a law may be enacted or made in either the Maltese or the English language only, and is so enacted or made, the Commission may prepare the revised text of that law in that language only.

(2) When there is in office a body of Commissioners, the Minister shall appoint one of them to be the President of the Commission.

(3) A person appointed to be a Commissioner may be appointed for such term and subject to such conditions as may be determined by the Minister; but a Commissioner may, at any time, resign his office and may also, for a good cause, be removed from office; and a person who ceases to be a Commissioner shall be eligible for re-appointment.

(4) A person who holds judicial office may be appointed as a Commissioner notwithstanding the provisions of article 16 of the Code of Organization and Civil Procedure but shall not, unless otherwise provided by the terms of his appointment, be required to perform his duties as a Judge or Magistrate while he remains a member of the Commission.

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(5) There shall be paid to the Commissioners such remuneration, if any, as the Minister may, with the approval of the Minister responsible for Finance, determine; and different remuneration may be paid to the Commissioners according to circumstances.

(6) It shall also be the function of the Commission to perform such other duties as may, after consultation with it, be assigned to it by the Minister.

Powers of
Commission.
Amended by:
XLIX.1981.2;
XVII.1999.3.

4. (1) In carrying out its functions under this Act, the Commission shall have power -

(a) to omit -

- (i) all statute laws or parts of statute laws which have been expressly repealed, or which have expired, or have become spent or have had their effect;
- (ii) all repealing provisions contained in any statute law;
- (iii) all preambles to statute laws where such omission can, in the opinion of the Commission, be conveniently made;
- (iv) all introductory words of enactment in any article, regulation or paragraph of a statute law which consists of more than one article, regulation or paragraph;
- (v) all enactments prescribing the date on which a statute law is to come into force, where such omission can, in the opinion of the Commission, be conveniently made;
- (vi) all amending provisions contained in a statute law where the amendments effected thereby and which are still in force have been embodied by the Commission in the statute law to which they relate;
- (vii) all subsidiary legislation that is, or is intended to be, of a temporary nature or is subject to relative or frequent changes or is otherwise such that, in the opinion of the Commission, may be properly omitted:

Provided that any such omission shall not affect the continued operation of any such subsidiary legislation for as long as it otherwise remains in force;

- (b) to consolidate into one statute law any two or more statute laws in *pari materia*, making such verbal alterations in the consolidated law as may thereby become necessary;
- (c) to alter the order of articles or other sub-divisions of a statute law and, wherever necessary, to re-number those articles or other sub-divisions;

- (d) to alter the form or arrangement of any article or other sub-division of a statute law, either by combining it in whole or in part with another article or subdivision, or other articles or sub-divisions, or by dividing it into two or more parts or sub-divisions;
- (e) to divide any statute law, whether consolidated or not, into parts or other divisions;
- (f) to add a short title to any statute law which may, in the opinion of the Commission, require it and, if necessary, to alter the short title of any statute law;
- (g) to supply or alter marginal notes;
- (h) to shorten and simplify the phraseology of any statute law;
- (i) to correct grammatical, typographical and other mistakes in the existing copies of the statute laws, and for that purpose to make verbal additions, omissions or alterations not affecting the meaning of any provision;
- (j) to convert any weight or measure into a metric weight or measure corresponding thereto as nearly as practicable, and for that purpose the Commission shall have power to round off any decimal as it may deem appropriate;
- (k) to make any addition, omission or alteration which is consequential to any amendment to any statute law or provision thereof;
- (l) to do all other things relating to form and method which may improve the revised edition.

(2) Where any statute law is to have effect or is to be read or construed, or to be read and construed, as provided in another statute law, the Commission may treat such a provision in the same manner as an amendment of the former by the latter enactment.

(3) The powers conferred by this article shall not be construed as empowering the Commission to make any alteration or amendment in the matter or substance of any statute law; but the Commission shall have power to make any alteration or amendment which might be necessary to make the revised edition more faithful to the original text or to remove any conflict between the Maltese and the English text of any law, and for these purposes the Commission shall have power to alter or amend either of those texts or both, including the prevailing text.

5. It shall not be necessary for the Commission to include in a revised edition any statute law omitted under the authority of the Malta Statute Law Revision Ordinance, 1936; nor shall it be necessary for the Commission to include in a revised edition any law which, though in force in Malta immediately before 21st September, 1964, was so in force by virtue of or under any Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland; but any such omission shall not affect the validity or operation of any law so omitted.

Power to omit
certain laws.

Printing of revised
edition.
Amended by:
XXX.1990.2;
XVII.1999.4.

6. (1) A revised edition shall be prepared in such order, form and manner, and shall contain such tables, indices and other information as the Commission may deem necessary or expedient.

(2) Without prejudice to the generality of the foregoing provisions of this article the Commission may -

- (a) add to any revised edition further parts containing the laws in force on a date or dates subsequent to that indicated in the revised edition, or in a further part thereof, as in force on such date or dates as are indicated in the further part or parts, and any such further part shall be deemed to be an integral part of the revised edition;
- (b) keep the laws contained in any part of a revised edition updated to a date or dates indicated by the Commission, and for such purpose the Commission may publish a revised edition or any part thereof in a loose-leaf form and keep it updated in such manner and under such conditions as the Commission may deem appropriate,

and the provisions of this Act, including in particular, but without prejudice to the generality of the expression, article 4 and article 8 of this Act, shall apply to any further part, and to any revised edition or part thereof published in a loose-leaf form, as they apply to any other revised edition or part thereof.

(3) A revised edition shall be printed under such arrangements as the Commission may, with the approval of the Minister, determine.

Construction of
references to
enactments.
Amended by:
VIII. 1985.2;
XXX. 1990.3.

7. (1) Where in any enactment or in any document of whatever kind, reference is made to any enactment affected by or under the operation of this Act, or to any provision of such enactment, such reference shall, where necessary and practicable, extend and apply to the corresponding enactment, or provision thereof, in the revised edition then in force.

(2) Where parts of a revised edition are brought into force on different dates, and in a part which is in force reference is made to an enactment, or a provision of an enactment, as such an enactment or provision will be contained in a part of the same edition which is not yet in force, such reference shall, until such time as the latter part comes into force, be read as a reference to the corresponding enactment or provision thereof as then in force.

(3) Where the Commission finds that any part of a revised edition published by it, whether such part has or has not come into force, contains an error or an omission, including an error or an omission which should have been rectified in a revised edition, it may publish, and cause to be sealed and signed as provided in article 9 of this Act, a correction in such form as it may deem appropriate; and, with effect from such date as the Minister may by notice in the Gazette appoint, being a date not earlier than the coming into force of the part of the revised edition to which the correction refers, the said part of the revised edition shall,

notwithstanding any other provision of this Act, have effect subject to such correction.

(4) Where an enactment contained in a part of a revised edition is amended with effect from a date subsequent to the publication but before the coming into force of that part of the edition, and the Commission recommends to the Minister alterations in the amending enactment in order that the latter may be read and construed more appropriately as one with the principal enactment amended by it as contained in the revised edition, the Minister may by order in the Gazette make the alterations so recommended; and thereupon, or as from such date as the Minister may in the notice specify, the amended enactment shall have effect as so amended.

8. (1) A revised edition shall come into force on such day as the Minister may by notice in the Gazette appoint.

Bringing into force and validity of revised edition.
Amended by:
XLIX.1981.3;
XVII. 1999.5.

(2) From the date of the coming into force of a revised edition, that edition shall be without any question whatever in all Courts of Justice and for all purposes whatsoever, the sole and only proper and authentic text of the statute laws included in it as in force on such date as the Minister shall by notice in the Gazette specify, but subject to any amendments thereto or any repeal thereof made after such date:

Provided that where a revised edition is published in electronic format, that edition shall be the sole and only proper and authentic text of the statute laws included in it, so however that any copy thereof or of any part thereof, printed on paper or in any other form and issued by the Commission, shall, in so far as it conforms to the revised edition printed in electronic format, also be an authentic text of the laws included in the said copy.

(3) If there is any conflict between the Maltese and the English texts of any revised edition, the Maltese text shall prevail.

(4) Notwithstanding anything contained in the foregoing provisions of this article, the Minister may, in any notice given thereunder, appoint or specify different dates for different parts of any revised edition, and in any such case the said provisions shall apply accordingly.

9. One copy of each volume of a revised edition shall be signed by the President of the Commission or, if there is only one Commissioner, by that Commissioner, and shall be sealed with the Public Seal of Malta. Such copies shall then be transmitted to the Registrar of the Courts to be enrolled on record in his office.

Copies to be signed, sealed and deposited.
Amended by:
XXIV.1995.362.

10. This Act shall be printed at the commencement of a revised edition.

Place of this Act in the revised edition.

11. (1) The Commission may, with the concurrence of the Minister, determine that a revised edition shall be made in electronic format on CD-ROM; and where a revised edition is made in electronic format as aforesaid, the foregoing provisions of this Act shall have effect subject to the following provisions of this article.

Publication of revised edition in electronic format.
Added by:
XVII.1999.6.

(2) Two hard copies of the Revised Edition shall be made in printed form and shall be bound in such number of volumes as the Commission may determine. The hard copies so made shall be signed and sealed as provided in article 9 of this Act.

(3) One of the copies so made shall be transmitted, together with a copy of the Revised Edition in electronic format to the Registrar of Courts to be enrolled on record in his office as provided in article 9, and another shall be placed at the office of the Commission and shall be open for inspection by the public on the payment of such fees as the Commission, with the concurrence of the Minister, may determine.

(4) At the request of any person, the Commission may issue hard copies of particular laws in a revised edition on the payment of such fees as it may, with the concurrence of the Minister, determine, and shall cause such copies to be authenticated by such officer of the Commission as the Commission may by notice in the Gazette from time to time determine. Such authenticated copies shall, unless the contrary is proved, be accepted in evidence before any court of law as a true copy of such law as it appears in the revised edition.

(5) A revised edition made in electronic format shall not come into force before copies thereof have been transmitted to the Registrar of Courts as provided in sub-article (3) of this article.

Publication of laws
on the Internet.
Added by:
III. 2004.63.

11A. (1) The Minister may cause to be published on an Internet site a consolidated version of any revised edition incorporating all amendments which may have been made to any law in a revised edition and including in such Internet site all Acts enacted after the publication of the last revised edition incorporating all amendments thereto. Such Acts enacted after the publication of a revised edition shall be given a chapter number as if they were incorporated in a revised edition and may be referred to by such chapter number.

(2) The Minister may also cause to be published on such Internet site an up to date consolidated version of subsidiary legislation made under the laws included in a revised edition and under Acts subsequently enacted, and may in such publication cause such subsidiary legislation to be given such enumeration with reference to the chapter number of the principal law or otherwise as the Minister may deem proper and reference to such subsidiary legislation by such enumeration shall be valid as if reference were made to the same subsidiary legislation as previously promulgated as a Government or legal notice or otherwise.

(3) The Minister shall cause a notice to be published in the Gazette giving the address of the website wherein the said laws are published on the Internet.

(4) Unless proof is brought to the contrary the text of any law published on an internet site in accordance with this article shall be deemed to be a true representation of the law incorporating all amendments up to the date indicated on the Internet site.

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- 12.** (1) No person may without the permission of the Government make, or cause to be made copies or reproductions in any material form of any revised edition or any part thereof as published by the Commission.
- (2) The provisions of sub-article (1) of this article shall not apply to the printing or publication of any law contained in a revised edition, by whatever means, provided that no part thereof is photocopied, scanned, electronically printed out or otherwise produced by using the revised edition or any part thereof as the physical base for the reproduction, and provided further that any such publication contains a declaration stating that it is not an official publication of the law in question.
- (3) The provisions of article 9 of the Copyright Act shall apply *mutatis mutandis* to sub-article (1) of this article.
- (4) Any person who acts in breach of the provisions of this article shall be guilty of an offence and shall on conviction be liable to imprisonment for a term of one year or to a fine (*multa*) not exceeding eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87) or to both such fine and imprisonment.
- (5) The provisions of sub-article (4) of this article shall be without prejudice to any right of action for damages pertaining to the Government against any person committing the offence.

Application of the
Copyright Act.
Added by:
XVII.1999.6.
Amended by:/
XIII. 2000.61;
L.N. 407 of 2007.

Cap. 415.