



LAWS OF SARAWAK

REPRINT

Chapter 1

REVISION OF LAWS ORDINANCE, 1992

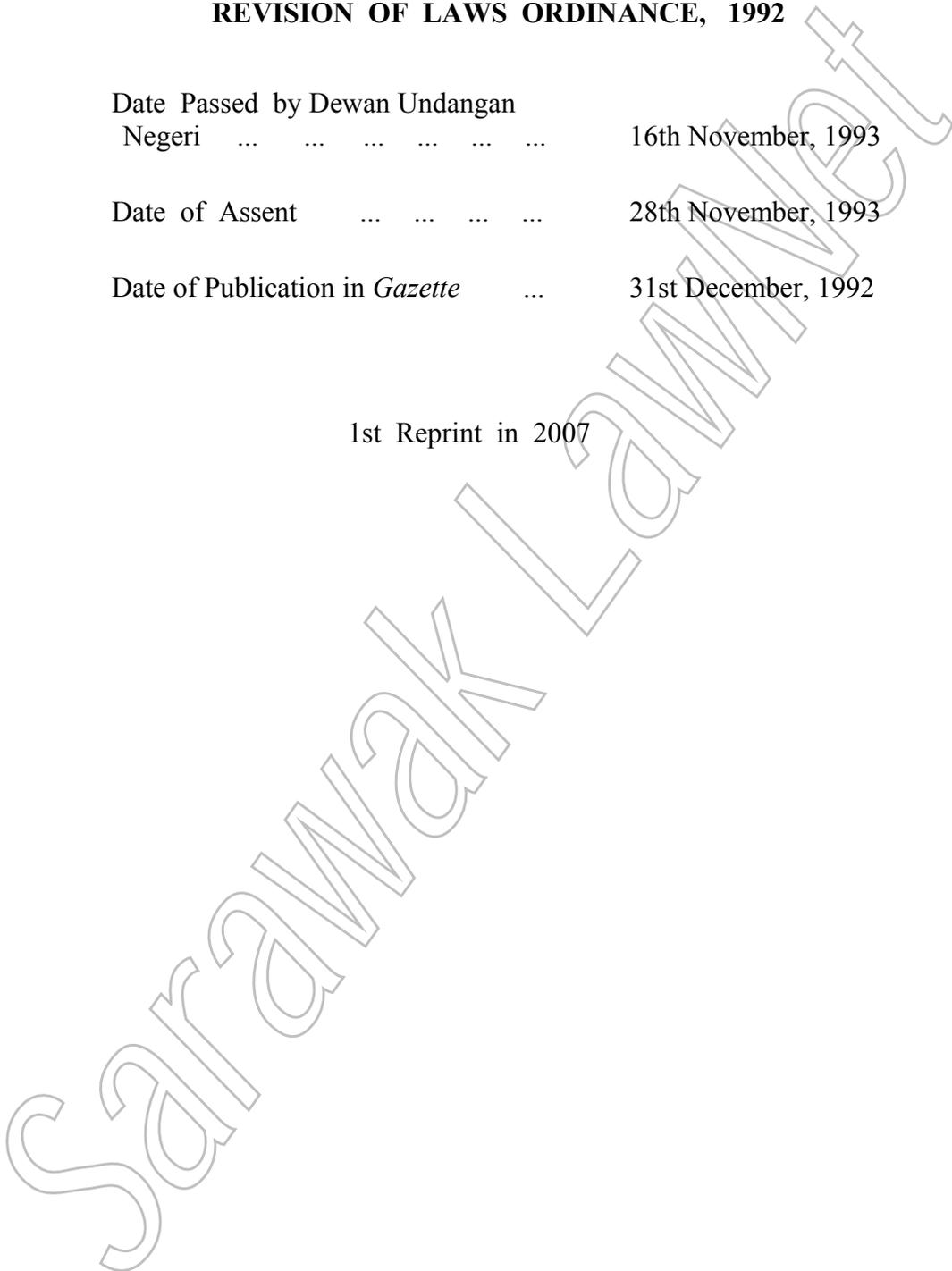
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REVISION OF LAWS ORDINANCE, 1992

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LAWS OF SARAWAK
Chapter 1
REVISION OF LAWS ORDINANCE, 1992

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Sarawak LawNet

LAWS OF SARAWAK

Chapter 1

REVISION OF LAWS ORDINANCE, 1992

An Ordinance to make provision for the preparation and publication of revised laws and reprinting of laws and subsidiary legislation.

[1st January, 1993]

Enacted by the Legislature of Sarawak—

Short title and commencement

1. This Ordinance may be cited as the Revision of Laws Ordinance, 1992, and shall come into force on the 1st day of January, 1993.

Interpretation

2.—(1) In this Ordinance—

“Commissioner” means the Commissioner of Law Revision appointed under section 3;

“Committee” means the Law Revision Committee established under section 4;

“Gazette” shall have the same meaning assigned to it by the Interpretation Ordinance, 2005 [*Cap. 61*];

[Ins. Cap. A139.]

“law” means any written law passed or made by the Legislature of Sarawak or, where such law has been lawfully revised or reprinted, the latest official revised law or printed copy of such law, but, except in sections 14, 15 and 16, does not include this Ordinance or any subsidiary legislation;

“Ordinance” means a law as hereinbefore defined or any part of such law;

“revised law” means a law revised by the Commissioner under the authority of this Ordinance, but does not include a revised subsidiary legislation prepared under section 13.

(2) A reference in this Ordinance to the “Yang di-Pertua Negeri” shall be construed as a reference to the Yang di-Pertua Negeri acting in accordance with the advice of the Majlis Mesyuarat Kerajaan Negeri or of a member thereof acting under the general authority of the Majlis.

Appointment of Commissioner

3.—(1) The Yang di-Pertua Negeri shall, by notification in the *Gazette*, appoint a Commissioner of Law Revision for the purpose of revising the laws from time to time as the Commissioner deems it expedient.

(2) The Yang di-Pertua Negeri may appoint any person temporarily to exercise the functions of the Commissioner during the period in which the Commissioner is for any reason unable to exercise his functions or during the period of absence of the Commissioner on leave and such person shall, during the period in which he is exercising the functions of the Commissioner under this subsection, be deemed to be the Commissioner.

(3) The Commissioner and the acting Commissioner shall be paid such remuneration and allowances as the Yang di-Pertua Negeri may determine.

Appointment of Committee

4.—(1) There shall be established for the purposes of this Ordinance a Committee to be called the Law Revision Committee comprising of—

(a) the State Attorney-General, as Chairman; and

(b) not less than three and not more than five other members to be appointed by the Chief Judge by notification published in the *Gazette*.

(2) Every appointed member of the Committee shall be appointed from amongst persons who in the opinion of the Chief Judge are suitably qualified for the purpose of examining copies of revised laws in draft.

(3) If, owing to absence or inability to act due to illness or any other cause, the Chairman of the Committee is unable to preside at any meeting the members present shall elect one of their members to preside at that meeting.

(4) Every appointed member of the Committee shall hold office for a period of two years and shall be eligible for re-appointment:

Provided that the Chief Judge may terminate the appointment of an appointed member, and any appointed member may resign, at any time.

(5) Any legally qualified officer of the State Attorney-General's Chambers who has been designated by the State Attorney-General shall be the Secretary to the Committee, but the officer so designated shall not be a member of the Committee.

[Am. Cap. A20.]

Printing of revised law

5. A revised law shall be printed by the Government Printer, or by such other printer as the Commissioner may in any particular case appoint for the purpose.

Powers of the Commissioner

6.—(1) The Commissioner shall have the following powers:

(a) to omit from any revised law—

(i) any repealing Ordinance, any repealing provision contained in any Ordinance or any table or list of repealed Ordinances, whether contained in a schedule or otherwise;

(ii) any provision contained in any Ordinance, or part thereof, which has expired or has become spent or has had its effect;

(iii) any preamble or part of a preamble to a law;

(iv) any introductory words of an Ordinance in any law or provision thereof;

(v) any provision contained in any Ordinance prescribing the date when a law or part thereof is to come into force or operation:

Provided that the date on which the law or part thereof came into force or operation is inserted by the Commissioner in square brackets immediately following the long title of the revised law;

(vi) any amending Ordinance where the amendments effected thereby are embodied by the Commissioner in the law to which they relate or have been so embodied in any reprint printed in pursuance of any written law;

(vii) any enacting clause;

(viii) any part of a law which can more conveniently be included as subsidiary legislation;

(ix) any interpretation of any expression which is defined in identical or similar terms to those used in the definition of that term contained in the law applicable for the interpretation of the law after it has been revised;

(x) any provision referring to any matter for which provision is made in identical or similar terms in the law applicable for the interpretation of the law after it has been revised:

Provided that the provisions relating to the construction of amending laws contained in the law applicable for the interpretation of laws shall apply to such omissions in the same way as if the provision omitted had been repealed; and

(xi) in the case of law which refers to matters partly in the State List and—

(A) partly in the Concurrent or Federal List;
or

(B) partly in the Concurrent List and partly in the Federal List,

all provisions other than those which refer to matters in the State List:

Provided that with respect to any law in force consequent upon powers conferred by an Act of Parliament passed pursuant to Article 76A, or by an Order made under Article 95C, of the Constitution of Malaysia, the Commissioner may, after consultation with the Attorney-General of Malaysia, include in the revised law provisions other than those which refer to matters on the State List;

(b) to arrange the grouping and sequence of revised laws and to give chapter, serial or other numbers thereto;

(c) to make such formal alterations to any law as are necessary or expedient for the purpose of securing uniformity of expression; or to bring the law into conformity with the provisions of the law applicable for the interpretation of the law after it has been revised;

(d) to adopt a convenient standard form in all revised laws for—

(i) the interpretation section;

(ii) any penal section; and

(iii) any section giving power to make subsidiary legislation;

(e) to add a long title or a short title to any law and to alter the long title or short title of any law;

(f) to supply or alter tables of contents, chronological tables, references and notes:

Provided that such tables of contents, chronological tables, references and notes shall not form any part of the law in which they appear;

(g) to consolidate into one law any two or more laws or part thereof *in pari materia* relating to matters with respect to which the Legislature of the State has power to make laws, making such alterations and modifications as are thereby rendered necessary in the consolidated Ordinance, and appointing such date for the coming into force thereof as may seem most convenient, and to incorporate all or any of the provisions of any law in one or more other laws where the provisions so incorporated relate to the same subject-matter as the law in which they are incorporated;

(h) to divide any law into two or more laws and to make such amendments, including the supplying of titles, or the alteration of existing titles, as are thereby rendered necessary;

(i) to add to or to omit from any law any provision required to be added or omitted, or to substitute for any provision of any law any provision required to be substituted, in consequence of any amendment made to that law by any other law or by any authority under powers conferred by law;

(j) to delete any words, expressions, nomenclature or other provisions in any law which have expired or become obsolete, including references to repealed laws, and to substitute therefor, where necessary, appropriate words, expressions, nomenclature or provisions or references to the appropriate laws;

(k) to transfer any provision contained in a law from that law to any other law to which that provision more properly belongs, making any alterations thereby rendered necessary;

(l) to alter the order of the provisions in any law, and to re-number the provisions of any law;

(m) to alter the form or arrangement of any provision of any law by transposing words, by combining it in whole or in part with another provision or other provisions or by dividing it into two or more provisions;

(n) to divide any law, whether consolidated or not, into parts or other divisions;

(o) to correct grammatical, typographical and similar mistakes and for that purpose to make verbal additions, omissions, or alterations not affecting the meaning of any law;

(p) to alter, insert or omit punctuation marks in any law;

(q) to make such formal alterations as to names, localities, departments, offices, titles and otherwise as may be necessary to bring any law into conformity with the circumstances of the Federation on the date on which the law in its revised form is to come into force;

(r) to make such adaptations or amendments in any law as may appear to be necessary or proper as a consequence of any change in the constitution of the Federation or of the State of Sarawak or any part of the Commonwealth;

(s) to correct cross-references including references to the laws of other territories;

(t) to correct references to repealed laws by replacing such references by references to the substituted laws, for which purpose it is declared that a law is deemed to be substituted for another law where it is expressly stated in the subsequent law that it is so replaced, or where the subsequent law re-enacts with or without modification any provision of a repealed law;

(tA) to update the terminology and spelling in the national language text of any law so that they are consistent with the terminology and spelling approved by the Dewan Bahasa dan Pustaka;

[Ins. Cap. A72.]

(u) to shorten or simplify the phraseology of any law;

(v) to repeal or amend any Ordinance in consequence of the preparation of a revised law;

(w) to appoint the date on which a revised law shall come into force:

Provided that such date shall not be earlier than the date on which the revised law is published in the *Gazette*;

(x) to do all other things relating to the form and method reasonably necessitated by or consequential upon the exercise by the Commissioner of any of the powers conferred upon him by this section or which may be necessary for the perfecting of a revised law.

(2) In subsection (1) “amendment” includes, where it is used in relation to the powers conferred upon the Commissioner, any variation of any law which is necessary for giving effect to any enactment in any other law whereby the scope, effect or construction of any provision of the first mentioned law is varied, modified, enlarged, restricted, qualified or otherwise affected.

(3) The powers conferred on the Commissioner by subsection (1) shall not be taken to imply any power in him to make any alteration or amendment in the substance of any law.

Method of compiling a revised law

7. A revised law shall be made up in such form as the Commissioner deems expedient and shall contain—

- (a) on the front page thereof—
 - (i) the expression “Laws of Sarawak”;
 - (ii) the short title and Chapter number of the revised law;
 - (iii) the date up to which it has been revised; and
 - (iv) the date appointed under section 6(1)(w) on which the revised law is to come into force;
- (b) a list of the laws by which the law has been amended up to the date of its revision showing the dates on which the amendments came into force;
- (c) a list of the laws or parts thereof which the revised law supersedes or repeals.

Examination by the Committee

8.—(1) The Commissioner shall transmit seven draft copies of every revised law and of the list of amendments made by him in that edition of the revised law to the Committee for its examination. The Committee shall examine the draft copies and certify to the Commissioner whether in the opinion of the Committee the amendments made by the Commissioner are or are not within the powers conferred upon him by this Ordinance. If the Committee shall fail so to certify within a period of thirty days from the receipt by the Secretary to the Committee of the draft copies, the amendments shall be deemed to have been certified as being within the powers of the Commissioner and the Commissioner may proceed in accordance with section 10(1).

(2) The validity of any certificate given by the Committee under subsection (1) shall not be affected by any vacancy in the membership of the Committee or by the inability of any member thereof to give his opinion by reason of temporary absence, indisposition or any other cause.

Revised law to comply with Committee's opinion

9. Where the Committee certifies that an amendment is not within the powers of the Commissioner, the Commissioner shall, before proceeding in accordance with section 10(1), amend the draft of the revised law to comply with the opinion of the Committee.

Publication of revised law

10.—(1) A revised law containing amendments which have been certified or which are deemed to have been certified by the Committee as being within the powers of the Commissioner shall be published in the *Gazette* and shall come into force as from the date referred to in section 7(a)(iv).

(2) On and after the date from which a revised law comes into force, such revised law shall be deemed to be and shall be without any question whatsoever in all courts and for all purposes whatsoever the sole and only proper law in respect of matters included therein and in force on that date.

Completion of revision of pre-1993 laws to be notified in *Gazette*

11. So soon as may be, the Commissioner shall, by notification in the *Gazette* (to be published in Part I of the *Gazette*), certify that the revision of all laws enacted before the first day of January, 1993 (except for such laws as may be specified in the notification), which have not been repealed at the date of the notification, has been completed, and thereupon any such law which has not been revised under this Ordinance and which has not been specified in the notification shall be deemed to have been repealed as from the date of publication of the notification.

Saving of existing subsidiary legislation

12. Subsidiary legislation made under any law and in force on the date on which that law as revised comes into force shall continue in force until otherwise provided; and references in any such subsidiary legislation to the law under which it was made, or to any part thereof, or to any other revised law shall be construed as references to the revised law or to that other law as revised.

Revision of subsidiary legislation

13.—(1) There shall be prepared, so soon as may be convenient, as supplementary to each revised law a revised edition of such subsidiary legislation under such revised law as appears to the Commissioner to be of sufficient importance to be included therein.

(2) The provisions of this Ordinance relating to the preparation and publication of a revised law, but not the provisions relating to examination by the Committee, shall apply with any necessary modifications to the preparation and publication of revised subsidiary legislation.

Reprint of laws

14.—(1) The Government Printer or such other printer as the Commissioner may in any particular case appoint for the purpose may, with the authority of the Commissioner, make a reprint of any law, whether revised or not, containing—

(a) amendments effected by any law; and

(b) amendments made by the Commissioner under the powers conferred upon him by subsection (2),

and any copy of a reprint purporting to be printed in accordance with this section shall be deemed, until the contrary is shown, to be the authentic text of the law as in force, except in so far as may be specified in the copy, on such date as may be so specified.

(2) In preparing a reprint the Commissioner shall have the powers contained in paragraphs (f), (i), (o), (p), (q), (r), (s), (t) and (tA) of section 6(1).

[Am. Cap. A72.]

Publication volume by volume

14A.—(1) The Commissioner may, if he considers it expedient, authorize a reprint to be prepared and published volume by volume, in any sequence and at such times as he deems expedient.

(2) Any volume of a reprint may contain such tables, appendices and other supplementary matter, including an index, as the Commissioner may consider necessary.

[Ins. Cap. A72.]

Updating of reprints

14B. The Commissioner may, if he considers it expedient, authorize the preparation and publication of updates incorporating the latest amendments to a reprint, in any sequence and at such times as he deems expedient.

[Ins. Cap. A72.]

Rectification of formal errors

15.—(1) The Commissioner may by order published in the *Gazette* rectify any clerical, printing or other errors appearing in the revised laws, the revised subsidiary legislation or in any reprint purported to be printed under section 14:

Provided that no such rectification shall be inconsistent with the powers conferred upon the Commissioner by sections 6, 13 and 14.

(2) An order made under subsection (1) shall have the force of law with effect from the date referred to in section 7(a)(iv).

Reference to number of lines in any law

16. A reference in any law to the number of a line of any provision of any law shall mean that line in that law at the time of the enactment of the law or, where such law has been revised or reprinted under this Ordinance, that line in the latest official copy of the revised law or the printed copy of that law containing the reference.

Place of this Ordinance in the Laws of Sarawak series

17.—(1) This Ordinance shall form the first Ordinance of the “Laws of Sarawak” series and shall be numbered as Chapter 1.

(2) The next law to be issued which may be a revised law or a new law enacted after the coming into force of this Ordinance shall be numbered “Chapter 2”. Each such law shall form a separate Chapter and the Chapters shall be numbered consecutively. It will be issued in a form of a separate booklet with holes punched to enable it to be easily placed in or removed from a volume.

Printing, distribution and sale of revised laws and the reprint

18. The Government Printer or any other printer or publisher may, with the approval of the Majlis Mesyuarat Kerajaan Negeri and subject to such terms and conditions as may be imposed by the Majlis, print, distribute and offer for sale to the general public copies of revised laws and the reprint made pursuant to this Ordinance.

[Sub. Cap. A72.]

19. *[Deleted by Cap. A72.]*

Construction of references to repealed or amended written law

20. Where in any Ordinance or in any subsidiary legislation or in any document of whatever kind, any reference is made to any written law repealed or otherwise affected by or under the operation of this Ordinance, such reference shall, where necessary and practicable, be construed as a reference to the corresponding written law in the revised law.

Validation of acts done in anticipation of Ordinance

21.—(1) All acts and things done by any person or authority, whether or not purporting to be done for or on behalf of the Commissioner in preparation for or in anticipation of the promulgation of this Ordinance, and any expenditure incurred in relation thereto shall be deemed to have been authorized by this Ordinance, provided that the acts or things are not inconsistent with the general intention and purpose of this Ordinance; and all rights and obligations acquired or incurred as a result of the doing of those acts

and things or of any expenditure so incurred shall be deemed to be the rights and obligations of the Commissioner.

(2) For the avoidance of doubt, it is declared that subsection (1) does not authorize the appointment of the Commissioner except in so far as to authorize the temporary appointment of such person until appointed under this Ordinance.

Repeal

22. The Reprint of State Laws Ordinance, 1967 [*Ord. No. 3/67*], is repealed and section 52 of the former Interpretation Ordinance [*Cap. 1 (1958 Ed.)*] shall cease to have any application after the coming into force of this Ordinance.

[List of Amendments]

REVISION OF LAWS

17

LAWS OF SARAWAK

Chapter 1

REVISION OF LAWS ORDINANCE, 1994

LIST OF AMENDMENTS

Amending Law	Short Title	In force from
Cap. A20	Sarawak Constitution (Amendment) Ordinance, 1994	24.11.1994
Cap. A72	Revision of Laws (Amendment) Ordinance, 1999	1.1.2000
Cap. A139	Interpretation (Amendment) Ordinance, 2008	1.8.2008

