REVISED EDITION OF THE LAWS ORDINANCE 1965.

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REVISED EDITION OF THE LAWS ORDINANCE 1965.

Originally 53 of 1965.

47 of 1967.
18 of 1971.
72 of 1971.

To make provision for the preparation, publication and periodical revision of a revised edition of the laws of the Colony.

[24th December, 1965.]

Short title.

1. This Ordinance may be cited as the Revised Edition of the Laws Ordinance 1965.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—

"commissioner" means the person appointed under section 3;

"effective date" means the date specified by the Governor under subsection (1) of section 11 for the coming into operation of the revised edition;

"Ordinance" means—

(*a*) any Ordinance enacted by the Governor with the advice and consent of the Legislative Council and any subsidiary legislation made under or by virtue thereof; and

(*b*) any Proclamation of the British Military Administration and any subsidiary legislation made under or by virtue thereof;

"revised edition" means the revised edition of the laws of Hong Kong prepared under the authority of section 3;

"subsidiary legislation" means any proclamation, rule, regulation, order, resolution, notice, rule of court, by-law or other instrument made under or by virtue of any Ordinance or Proclamation, as the case may be, and having legislative effect.

Appointment of commissioner.

3. The Governor may, by notice in the *Gazette*, appoint a commissioner who shall prepare a revised edition of the laws of Hong Kong.

Power of commissioner to omit.

4. (1) In the preparation of the revised edition, the commissioner shall have power to omit—

(*a*) all Ordinances, or parts of Ordinances, which have been expressly repealed or which have expired or have become spent or have had their effect;

(*b*) all repealing provisions contained in Ordinances and all tables and lists of repealed Ordinances, whether contained in Schedules or otherwise;

(*c*) all preambles to Ordinances, where such omission can, in the opinion of the commissioner, conveniently be made;

(*d*) all provisions prescribing the date when an Ordinance or part of an Ordinance is to come into operation, where

such omission can, in the opinion of the commissioner, conveniently be made;

(*e*) all amending Ordinances or parts thereof, where the amendments effected thereby have been embodied by the commissioner in the Ordinance to which they relate; and

(*f*) all enacting clauses.

(2) Any Ordinance or part thereof omitted from the revised edition in exercise of the powers conferred by subsection (1) may be proved by the production of any copy thereof by which the same could have been proved before the effective date.

Other powers of commissioner.

5. The commissioner shall, in addition to the powers conferred by section 4, have power—

(*a*) to transfer to subsidiary legislation any part of an Ordinance which can more conveniently be included as subsidiary legislation made under that Ordinance or under any other Ordinance;

(*b*) to arrange the grouping and sequence of Ordinances;

(*c*) to make such formal alterations to any Ordinance as are necessary or expedient for the purpose of securing uniformity of expression;

(*d*) to consolidate into one Ordinance any two or more Ordinances or any number of Ordinances in *pari materia,* making such alterations as are thereby rendered necessary or expedient and affixing such date thereto as may seem most convenient;

(*e*) to divide any Ordinance into two or more Ordinances and to make such amendments, including the supplying of titles, or the alteration of existing titles, as are thereby rendered necessary;

(*f*) to incorporate in any Ordinance any amendment made to any schedule, form or other part by any authority under powers conferred by that Ordinance;

(*g*) to alter the order of sections in any Ordinance;

(*h*) to renumber the sections in any Ordinance in all cases where it may be necessary or expedient so to do;

(*i*) to alter the form or arrangement of any section, by transferring words, by combining it in whole or in part with another section or other sections or by dividing it into two or more subsections;

(*j*) to transfer any provision contained in an Ordinance from such Ordinance to any other Ordinance to which that provision more properly belongs, making such alterations as are thereby rendered necessary or expedient;

(*k*) to divide Ordinances, whether consolidated or not, into parts or divisions;

(*l*) to add a long title or a short title to any Ordinance which may require it or to alter the long title or short title of any Ordinance;

(*m*) to supply or alter tables of contents, chronological tables and notes:

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

(*n*) to correct grammatical, typographical and similar errors in the existing copies of Ordinances, and for that purpose to make verbal additions, omissions, or alterations not affecting the meaning of any Ordinance;

(*o*) to correct cross references;

(*p*) to correct references to repealed Ordinances by replacing such references by references to the substituted Ordinances, for which purpose it is declared that an Ordinance is deemed to be substituted for another Ordinance where it is expressly stated in the subsequent Ordinance that it is so substituted, or where the subsequent Ordinance re-enacts with or without modification any provisions of a repealed Ordinance;

(*q*) to make such formal alterations as to names, localities, departments, offices and officers and otherwise as may be necessary to bring any Ordinances into conformity with the circumstances of the Colony;

(*r*) to make such adaptations of or amendments to any Ordinances as may appear to be necessary or proper as a consequence of any change in the constitution of Her Majesty's dominions; and

(*s*) to do all things relating to form and method which appear to him to be necessary for the perfecting of the revised edition.

Mode of dealing with omissions or amendments not authorized by sections 4 and 5.

6. (1) If the commissioner considers it is desirable that in the preparation of the revised edition there should be omissions or amendments other than those authorized by sections 4 and 5, the same, although not in *pari materia,* may be combined in one or more Ordinances.

(2) If such Ordinance or Ordinances are enacted prior to the effective date, then—

(*a*) the commissioner shall, in the preparation of the revised edition, give the like effect to such omissions or amendments as if they had been authorized by section 4 or 5; and

(*b*) if as a result of any such omission or amendment any Ordinance or part thereof has been repealed or has expired or become spent or had its effect, such Ordinance or part shall be omitted from the revised edition.

Contents of the revised edition.

7. (1) Subject to the provisions of section 4 and subsection (2) of section 6, the revised edition shall include all unrepealed Ordinances enacted before the 1st day of January, 1965, and may contain such Ordinances enacted after such date as the commissioner may think fit to include therein.

(2) Each Ordinance shall form a separate Chapter.

(3) The Chapter number or the number and year, whichever the commissioner considers appropriate, of the principal Ordinance and of each incorporated Ordinance and the number and year of each amending Ordinance shall be set out ~~in the margin~~ as a note at the beginning of each Chapter.

(4) The commencement of each principal Ordinance shall be set out immediately below the long title.

Method of compiling the revised edition.

8. The commissioner shall cause the revised edition of every Ordinance to be published in the form of one or more separate booklets each of which shall contain—

(*a*) on the front page thereof the expressions—

(i) "Laws of Hong Kong"; and

(ii) "Revised Edition 1964, Printed and Published by the Government Printer, Hong Kong"; and

(*b*) at the top of every subsequent page of each such booklet the expression "1964 Ed.".

Binding of booklets.

9. (1) The commissioner shall cause the various booklets which have been compiled for the purposes of section 8 to be contained together in such number of volumes as he considers convenient.

(2) A booklet shall be bound in such manner as will enable it to be easily removed from and replaced in a volume.

Copies of revised edition to be kept for record.

10. (1) The commissioner shall cause three complete sets of the booklets which have been compiled for the purposes of section 8 to be bound together in volumes in a permanent manner.

(2) The title page of each volume of booklets so bound shall be sealed with the Public Seal of the Colony and one copy of each volume shall be transmitted to the Colonial Secretary, one copy of each volume to the Attorney General and one copy of each volume to the Registrar of the Supreme Court, and shall be retained by them for record purposes.

Bringing of revised edition into operation. *

11. (1) The Governor may, by Proclamation, approve the revised edition and order that the revised edition shall come into operation on such date as he may specify in such Proclamation.

(2) From the effective date the revised edition shall be deemed to be and shall be without any question whatsoever in all courts of justice and for all purposes whatsoever the sole and only proper laws of the Colony in respect of all Ordinances contained therein.

Complementary matter in revised edition.

12. (1) The revised edition may also contain a reprint of such imperial enactments, treaties and conventions and such indices, notes and references as the commissioner considers useful to include.

(2) When any imperial enactment, treaty or convention is reprinted in pursuance of subsection (1), the provisions of the imperial enactment, treaty or convention may be reproduced with such amendments as may have been made thereto, and where any imperial enactment, treaty or convention has been applied or extended to the Colony with modifications the provisions of that imperial enactment, treaty or convention may be reproduced with those modifications:

Provided that every departure from the original text of the imperial enactment, treaty or convention shall be clearly shown by notes, references or other similar means.

(3) The commissioner may also cause the reprint referred to in subsection (1) to be published in such number of separate booklets, in the manner prescribed by section 8, or in such other form as he considers convenient.

Annual revision of revised edition.

13. (1) As soon as practicable after the first day of January in every year the Attorney General shall, subject to subsection (2), cause to be published—

(*a*) in the form of a separate booklet, a new revised edition of any Ordinance which has been amended during the period of twelve months ending on the preceding thirty-first day of December;

(*b*) in the form of a separate booklet, any new Ordinance enacted during the said period, other than Ordinances the sole or substantial effect of which was to amend other Ordinances;

(*c*) in the form of a booklet, either separately or together with any other such enactment or instrument, a new revised edition of any imperial enactment, treaty or convention already included in the revised edition which has been amended during the said period;

* The revised edition was approved and brought into operation on 1st February 1967 by Proclamation No. 2 of 1967 (L.N. 4/67).

(*d*) booklets containing such imperial enactments, treaties or conventions enacted, made or agreed to during the said period as he considers may usefully be published; and

(*e*) a new table of contents and index to the revised edition, a chronological list of Ordinances, a list of appointments and a list of the latest edition of each booklet containing an Ordinance and included in the revised edition.

(2) The Attorney General shall not be required by subsection (1) to prepare and publish a booklet containing a new revised edition of any Ordinance, imperial enactment, treaty or convention which has been amended if he considers that the amendments are not sufficiently extensive to justify the preparation and publication thereof, but he shall cause a separate booklet of minor amendments to be prepared and published in which all such amendments shall be contained.

(3) Without prejudice to subsection (1), the Attorney General may, as soon as practicable after the first day of January in every year, cause to be published, in the form of a separate booklet—

(*a*) a new revised edition of any Ordinance which has not been amended during the period of twelve months ending on the preceding thirty-first day of December;

(*b*) a new revised edition of the subsidiary legislation made under or by virtue of any Ordinance, whether or not any part of that subsidiary legislation has been amended during the period of twelve months ending on the preceding thirty-first day of December.

(4) Where the Attorney General is of the opinion that it is desirable that corrections, alterations or adaptations shall be made to any Ordinance but that such corrections, alterations or adaptations are not sufficiently extensive to justify the preparation and publication of a new revised edition of such Ordinance, he may, in relation to such Ordinance, exercise any of the powers contained in paragraphs (*n*), (*o*), (*p*), (*q*) and (*r*) of section 5 and include any corrections, alterations or adaptations occasioned thereby in the booklet of minor amendments prepared and published under subsection (2).

(Replaced, 18 of 1971, s. 2)

Additional power to revise.

14. (1) Without prejudice to the powers conferred by section 13, the Attorney General may also—

(*a*) consolidate into one Ordinance any two or more Ordinances in *pari materia*;

(*b*) divide any Ordinance into two or more Ordinances; or

(*c*) transfer to subsidiary legislation any part of an Ordinance which can more conveniently be included as subsidiary legislation under that Ordinance or under any other Ordinance.

(2) Where the Attorney General has exercised the powers conferred by subsection (1), he shall, as soon as practicable after the first day of January in the year following such exercise, cause to be published in the form of a separate booklet—

(*a*) any Ordinance into which two or more Ordinances have been consolidated;

(*b*) each Ordinance into which any Ordinance has been divided; and

(*c*) the subsidiary legislation into which any part of an Ordinance has been transferred.

(Added, 18 of 1971, s. 2)

Powers and duties of Attorney General.

15. (1) For the purposes of sections 13 and 14, the Attorney General may exercise and perform, *mutatis mutandis,* the powers and duties conferred or imposed by this Ordinance upon the ~~Commissioner~~ Comm

(2) In any booklet published pursuant to section 13 or 14, the law shall be as it was on the preceding thirty-first day of December and shall contain at the beginning thereof the year of that thirty-first day of December.

(3) Where a new revised edition of the subsidiary legislation made under or by virtue of an Ordinance is published in a separate booklet under paragraph (*b*) of subsection (3) of section 13 or under paragraph (*c*) of subsection (2) of section 14, such booklet shall—

(*a*) be part of the Chapter of the Ordinance under or by virtue of which that subsidiary legislation is made; and

(*b*) in addition to the other expressions required to be contained therein, contain on the front page thereof—

(i) the title and Chapter number of the Ordinance under or by virtue of which that subsidiary legislation is made; and

(ii) the expression "Subsidiary Legislation".

(4) The Attorney General shall transmit to the Governor a copy of every booklet published under section 13 or 14 and with effect from such date as the Governor may specify by notice in the *Gazette* any such booklet shall be without any question whatsoever in all courts of justice and for all purposes whatsoever the sole and only proper law of the Colony in respect of that Ordinance, or in the case of a booklet containing subsidiary legislation only, that subsidiary legislation.

(Added, 18 of 1971, s. 2)

Publication of lists of titles of current laws.

16. The Attorney General shall, as soon as practicable after any date specified in any notice published under subsection (4) of section 15, cause to be published in the *Gazette* a list of the titles of all Ordinances in force in Hong Kong and the year of the last published edition thereof.

Distribution of revised edition.

17. (1) Copies of the revised edition compiled in the manner provided by section 8 and of any booklet published under section 13 or 14 shall be distributed without charge to such persons, officers, departments and institutions as the Governor may direct. *(Amended, 72 of 1971, s. 3)*

(2) There shall be offered to the public such number of copies so compiled and booklets so prepared at such price as the Governor may direct.

(3) Any person may, on payment of such fee as the Governor may direct, become entitled to receive a copy of each booklet published under section 13 or 14 and issued in any one year. *(Amended, 72 of 1971, s. 3)*

(4) The Government Printer shall, on the application of a subscriber, supply him with all the booklets to which he is entitled.

Rectification of errors.

18. (1) The Attorney General may, by order published in the *Gazette*, rectify any clerical or printing error appearing in the revised edition or in any booklet published under section 13 or 14, or rectify in a manner not inconsistent with the powers of revision conferred by this Ordinance any other error so appearing.

(2) Every order made under this section shall be laid on the table of the Legislative Council without unreasonable delay, and, if a resolution is passed at the ~~next sitting of the Legislative Council held~~ after the sitting at which the order is so laid that the order be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder, or to the making of a new order. 3 of 1981, s. 2.

(Amended, 72 of 1971, s. 3)

Construction of references to repealed or amended Ordinances.

19. Whenever in any Ordinance, or in any document of whatever kind, any reference is made to any provision of any Ordinance affected by or under the operation of this Ordinance, the reference shall, where necessary and practicable, be construed as a reference to the corresponding provision in the revised edition or in any booklet published under section 13 or 14.

(Amended, 72 of 1971, s. 3)

Expenses of preparation and publication.

20. The Governor may, by warrant addressed to the Accountant General, direct the payment of all expenses of and incidental to the preparation, publication, distribution and sale of the revised edition and of booklets published under section 13 or 14.

(Amended, 72 of 1971, s. 3)