

AN ACT

To provide for the preparation and publication of a Revised Code of the laws of the Marshall Islands, and for its continuing revision and maintenance up-to-date.

BE IT ENACTED BY THE NITIJELA OF THE MARSHALL ISLANDS:

1       Section 1. Short title.

2               This Act may be cited as the Revision of the Laws Act 1981.

3       Section 2. Interpretation.

4               In this Act -

5                       "the Commissioner" means the Commissioner for the  
6               Revised Code of the Marshall Islands appointed by or under  
7               Section 3;

8                       "law of the Marshall Islands" means -

- 9                               (a) a law contained in the Marshall Islands Code  
10                                       1975; or  
11                               (b) any other law made by the Nitijela or the  
12                                       former Marshall Islands Nitijela; or  
13                               (c) any law of the Trust Territory of the Pacific  
14                                       Islands having effect as part of the law of  
15                                       the Marshall Islands; or  
16                               (d) any law of the United States of America  
17                                       having effect, otherwise than of its own  
18                                       force, as part of the law of the Marshall  
19                                       Islands; or  
20                                       Islands; or

1 (e) any subordinate instrument of a legislative nature  
2 made under a law referred to in Paragraph (a), (b),  
3 (c), or (d); or  
4 (f) any regulations or other determinations made by the  
5 Public Service Commission under Article VII of the  
6 Constitution,

7 but does not include -

8 (g) the Constitution; or  
9 (h) the common law; or  
10 (i) any law of the United States of America having  
11 effect in the Marshall Islands of its own force; or  
12 (j) Ordinances of local governments;

13 "law of the United States" includes an executive order of the  
14 President of the United States or an executive order;

15 "laws to which this Act applies" means all laws of the  
16 Marshall Islands in force on the prescribed date, other than any  
17 such law that is omitted from the Revised Code under Section 5;

18 "meeting", in relation to the Nitijela, means any period of  
19 sittings of the Nitijela during which it does not adjourn or recess -

20 (a) to the call of the Speaker; or  
21 (b) without fixing a day; or  
22 (c) for more than five days that would otherwise be  
23 sitting days,

24 and is not dissolved;

1 "the prescribed date" means a date fixed by the Speaker  
2 with the concurrence of the Cabinet, by the Government Gazette  
3 for the purpose of Section 4.

4 "provision" means a law or part of a law.

5 "the Revised Code" means the text of the revised edition  
6 of the laws of the Marshall Islands prepared under the  
7 authority of this Act.

8 Section 3. The Commissioner for the Revised Code.

9 (1) The Speaker may, with the concurrence of the Cabinet,  
10 appoint a suitably qualified and experienced person to be the Commissioner  
11 for the Revised Code of the Marshall Islands.

12 (2) Unless he is a member of the Public Service, the  
13 Commissioner shall be entitled to such compensation and to such other  
14 conditions of employment as are determined by agreement between the  
15 Cabinet (after consultation with the Public Service Commission) and him.

16 (3) The functions of the Commissioner are as prescribed by  
17 or under this or any other Act.

18 (4) At any time when there is no Commissioner appointed under  
19 Subsection (1), the legislative counsel is the commissioner.

20 Section 4. Preparation of the Revised Code.

21 (1) The Commissioner shall cause a revised edition of the  
22 laws which this Act applies to be prepared and maintained in accordance  
23 with this Act, in some convenient form.

24 (2) In the first instance, the Revised Code shall be prepared  
25 as at the prescribed date.

1        Section 5. Omission of certain laws which remain in effect.

2            (1) The Cabinet, on the recommendation of the Commissioner  
3 and with the concurrence of the Speaker, may direct the omission from  
4 the Revised Code of any provision that in its opinion it is undesirable or  
5 unnecessary to publish in the Revised Code.

6            (2) As provided by Section 12, the omission from the Revised  
7 Code under Subsection (1) of a law does not affect its continued operation.

8        Section 6. Editorial omission of certain laws.

9            (1) In the preparation of the Revised Code the Commissioner  
10 may omit -

11            (a) all provisions that -

12                    (i) have been repealed, whether expressly or by  
13                    implication; or

14                    (ii) have expired; or

15                    (iii) have had their effect; or

16                    (iv) have been superseded; and

17            (b) all repealing provisions, and all tables, lists and  
18                    schedules of repealed provisions; and

19            (c) all provisions continuing in effect a law to which  
20                    this Act applies made under a repealed provision,  
21                    where that law is itself included in the Revised  
22                    Code; and

23            (d) all preambles, where the omission can conveniently  
24                    be made; and

- 
- 1 (e) all provisions prescribing the date on which a  
2 provision is to take effect, or the manner on  
3 which that date is to be fixed, where the omission  
4 can conveniently be made: and
- 5 (f) all amending provisions, where the amendments have  
6 been embodied in the law to which they relate: and
- 7 (g) all enacting clauses: and
- 8 (h) all provisions so far as they effect changes in  
9 titles or citations of laws: and
- 10 (i) all provisions the whole of which, except provisions  
11 relating to titles and citations of laws, incorpora-  
12 tion with other laws and other preliminary and  
13 formal matters, consists of amendments to other  
14 laws, where the amended laws are themselves  
15 included in the Revised Code: and
- 16 (j) all declaratory provisions where they are  
17 incorporated in some other law in accordance with  
18 Section 7(1)(m): and
- 19 (k) all forms, where the omission can conveniently be  
20 made: and
- 21 (l) all validating provisions: and
- 22 (m) all vesting provisions: and
- 23 (n) all subordinate instruments made under laws omitted  
24 from the Revised Code by virtue of the preceding  
25 provisions of this section.

1           (2) To the extent that any provision otherwise in effect is  
2 omitted from the Revised Code by virtue of Subsection (1) it shall be  
3 deemed to have been repealed.

4           Section 7. Editorial powers of revision.

5           (1) Subject to Section 9, in the preparation of the Revised  
6 Code the Commissioner may -

- 7                   (a) arrange the laws in such Titles and Chapters, or  
8                   in such other manner, as seems to him appropriate;  
9                   and  
10                   (b) correct grammatical, typographical, clerical and  
11                   similar errors and inconsistencies; and  
12                   (c) correct punctuation; and  
13                   (d) alter or correct references and cross-references;  
14                   and  
15                   (e) renumber provisions; and  
16                   (f) alter the order or arrangement of any provision; and  
17                   (g) supply, alter or omit marginal notes or head-notes;  
18                   and  
19                   (h) supply, alter or omit footnotes and other  
20                   annotations by way of amplification, reference or  
21                   cross-reference; and  
22                   (i) supply, alter or delete a short title to any law;  
23                   and  
24                   (j) make such formal alterations as to names, locations,  
25                   departments, offices and titles, and otherwise, as

- 1                   may be necessary or desirable to bring any provision  
2                   into conformity with circumstances as at the  
3                   prescribed date; and
- 4                   (k) omit any word, expression, nomenclature or provision  
5                   that has become obsolete and replace it (where  
6                   necessary) with an appropriate word, expression,  
7                   nomenclature or provision; and
- 8                   (l) make any alteration to any provision that may be  
9                   necessary to give full effect to any other law by  
10                  which the scope, effect or construction of the  
11                  provision is affected; and
- 12                  (m) where the meaning or effect of a declaratory  
13                  provision can conveniently be expressed by  
14                  incorporating it into some other law - so incorporate  
15                  it in a convenient form; and
- 16                  (n) consolidate into one provision, with such alterations  
17                  as may be necessary or convenient as a result, any  
18                  provisions relating to the same subject - matter, or  
19                  which it is otherwise convenient to consolidate; and
- 20                  (o) alter the form or arrangement of any provision by  
21                  transferring words or by dividing it into a number  
22                  of provisions; and
- 23                  (p) transfer any provision of any law to some other  
24                  law to which it more properly or more conveniently  
25                  belongs; and

- 1 (q) include any form, schedule or other provision of a  
2 law as or in a subordinate instrument, where that  
3 can conveniently and properly be done: and
- 4 (r) where -
- 5 (i) the meaning of any provision can be more  
6 conveniently expressed by reliance on any law  
7 relating to the interpretation of effect of  
8 statutes; or
- 9 (ii) the meaning of any provision that relies on  
10 any such law, or that is expressed by reference  
11 to any other provision, can be more  
12 conveniently be expressed without such reliance  
13 or reference,
- 14 make the necessary alterations (including the  
15 provision, alteration or deletion of a definition)  
16 and
- 17 (s) where the effect of a subordinate instrument can  
18 conveniently be expressed in tabular or other  
19 condensed form, so express it: and
- 20 (t) generally, adapt a standard form for any provision  
21 in common use, subject to any directions under  
22 Subsection (4), and alter any provision  
23 accordingly: and
- 24 (u) make any alterations that are desirable for  
25 generally improving, and bringing into conformity

1 with modern standards of drafting, the form and  
2 manner in which any provision is expressed; and  
3 (v) make any alterations that are desirable to shorten  
4 and simplify the wording of any provision, and to  
5 make it more easily translatable into the  
6 Marshallese language; and  
7 (w) where appropriate, restyle laws or provisions  
8 (other than subordinate instruments) as "Act"; and  
9 (x) make any other formal or non-substantive additions,  
10 alterations or omissions that are necessary or  
11 desirable to bring the laws into conformity with  
12 constitutional change in the Marshall Islands or  
13 elsewhere; and  
14 (y) generally do any other thing relating to form or  
15 method that is desirable for the perfecting of the  
16 Revised Code, whether by analogy with the preceding  
17 provisions of this subsection or otherwise, and in  
18 particular make any omission or alteration that is  
19 consequential on, or made desirable by, any omission  
20 or alteration made under Section 6 or the preceding  
21 provisions of this subsection.

22 (2) In particular, the Commissioner, after consultation  
23 with the Attorney-General and the Legislative Counsel, and subject to  
24 Section 9, shall include in the Revised Code general provisions relating

1 to the construction, application and interpretation of laws and to  
2 related matters, and to the shortening and simplification of laws.

3 (3) The powers conferred by Subsections (1) and (2) are  
4 cumulative, each such power is in addition to and not in derogation of  
5 any one provision.

6 (4) The Legislative Counsel after consultation with the  
7 Attorney-General and the Commissioner, may issue general directions as  
8 to drafting style and the manner and form of the presentation of laws  
9 in the Revised Code and as to the exercise of the powers conferred by the  
10 preceding provisions of this section, and generally for implementing  
11 those provisions, with a particular view to improving and standardizing  
12 the form and drafting of laws for the future.

13 Section 8. Texts of documents included in Acts, etc.

14 Where any law to which this Act applies sets out the text, or  
15 part of the text, of any provision of the Constitution, any agreement or  
16 any other document (other than a provision of a law to which this Act  
17 applies), nothing in this Act allows any alteration to the text of that  
18 provision, agreement or document.

19 Section 9. Alterations of substance.

20 (1) Nothing in Section 7 allows the making of any change in  
21 the substance and effect of any law, but this subsection does not  
22 affect the operation of Section 12.

23 (2) If it appears desirable that, for the purpose of the  
24 preparation of the Revised Code, or for a purpose related to it -

- 1 (a) any alteration not authorized by Section 6 or 7  
2 should be made; or  
3 (b) some further or other legislative provision should  
4 be made,  
5 the Legislative Counsel may cause a Bill or other appropriate draft law  
6 to be prepared, and may present it to the President and the Speaker to  
7 be dealt with in the ordinary way.

8 Section 10. Inclusion of other laws, etc.

9 (1) There may be included, for information, in the Revised  
10 Code -

- 11 (a) the Constitution; and  
12 (b) any Compact of Free Association with the United  
13 States of America, and any related agreements  
14 referred to in that Compact; and  
15 (c) the rules of procedure of the Nitijela and of the  
16 Council of Iroij; and  
17 (d) any relevant statutes and other legislative or  
18 executive instruments of the United States of  
19 America; and  
20 (e) any treaties, international agreements or conventions  
21 to which the Marshall Islands or the Government  
22 is a party; and  
23 (f) any other material directed to be included by the  
24 Nitijela or the Cabinet, or that the Commissioner

1                    considers would be useful to users of the Revised  
2                    Code,

3 but no such material shall be deemed to be part of the Revised Code for  
4 the purposes of this Act, and the other provisions of this Act do not  
5 apply in relation to it.

6                    (2) There may also be included in the Revised Code -

7                    (a) any laws that were made before, but were not yet  
8                    in effect on, the prescribed date; and

9                    (b) any laws made after the prescribed date that the  
10                    Speaker, by written notice, directs to be included,  
11 in such manner and with such annotations as the Commissioner thinks  
12 desirable to explain their effect, and conform with the requirements  
13 of the Revised Code.

14                    (3) The provisions of this Act, with the necessary  
15 modifications, apply to and in respect of laws included in the Revised  
16 Code by virtue of Subsection (2), except that in the case of laws referred  
17 to in Subsection (2)(b) the date of the notice under that paragraph  
18 shall be treated as the prescribed date.

19                    Section 11. Date of effect of the Revised Code.

20                    The Revised Code shall come into effect on such date as is  
21 provided for by an Act that adopted it as the law of the Marshall Islands.

22                    Section 12. Effect of the Revised Code.

23                    (1) Except so far as concerns any law omitted from the  
24 Revised Code under Section 5, on and after the date referred to in

1 Section 11 the Revised Code is, for all purposes, the sole authentic  
2 text of the laws of the Marshall Islands as at the effective date.

3 (2) Nothing in this Act gives to any subordinate instrument  
4 any validity other than that which it would have had if it had been made  
5 by the appropriate authority on the prescribed date.

6 (3) On the date referred to in Section 11, all subordinate  
7 instruments that -

8 (a) were made under a provision of a law to which this  
9 Act applies; and

10 (b) were in force on the prescribed date; and

11 (c) were omitted from the Revised Code under Section 5,  
12 shall be deemed to have been in force on the effective date as if they  
13 had been made under the corresponding provision in the Revised Code.

14 (4) Where any factual statement is made in relation to any  
15 law of the Marshall Islands in any annotation or table in the Revised  
16 Code, that statement is, unless the contrary intention appears, prima  
17 facie evidence of the fact so stated.

18 (5) Where in any law or document reference is made to any  
19 provision of any law to which this Act applies by reference to a text  
20 other than the text of the Revised Code, the reference shall, as  
21 necessary and practicable, be construed as a reference to the correspond-  
22 ing provision of the Revised Code.

23 (6) The inclusion of a law in, or the exclusion of a law  
24 from, the Revised Code does not affect any civil or criminal proceeding  
25 commenced under that law before the date referred to in Section 11, and

1 every such proceeding may be continued, and any thing in relation to it  
2 may be done, as if the law had not been so included or excluded.

3 Section 13. Replacements and additional material.

4 (1) The Commissioner shall from time to time cause to be  
5 issued -

6 (a) replacement sheets incorporating any amendments to  
7 the text of laws included in the Revised Code; and

8 (b) directions for the removal of provisions that have  
9 been repealed or have expired, have had their  
10 effect or otherwise might have been omitted from  
11 the Revised Code in accordance with Section 6; and

12 (c) new texts of laws of the Marshall Islands to be  
13 incorporated in the Revised Code (including revised  
14 texts of law already included in the Revised Code).

15 (2) In preparing a replacement sheet or a new text of a law  
16 the Commissioner may exercise, as appropriate, all or any of the powers  
17 conferred by Section 6, 7, or 9.

18 Section 14. Correction of errors.

19 (1) The Commissioner may, by notice in the Government  
20 Gazette -

21 (a) supply any omission from the Revised Code; or

22 (b) rectify any clerical or printing error appearing  
23 in the Revised Code; or

24 (c) rectify in a manner consistent with this Act any  
25 other error so appearing.

- 1           (2) The Commissioner shall promptly -
- 2            (a) forward a copy of the notice to all person, officers,
- 3                 Departments and institutions by whom, to his
- 4                 knowledge, copies of the Revised Code are held; and
- 5            (b) forward a copy of the notice to the Speaker for
- 6                 presentation to the Nitijela.

7           (3) If a resolution that a notice under Subsection (1) be

8 disallowed is passed by the Nitijela at the meeting during which the

9 notice is presented to it, or during the next meeting, the notice

10 ceases to have effect, but without prejudice to the validity of anything

11 previously done or suffered by reason of it or to the making of a new

12 notice.

13           Section 15. Judicial notice, etc.

14           (1) All courts and persons acting judicially shall take

15 judicial notice of the text of the laws to which this Act applies as

16 included in the Revised Code.

17           (2) The mere production of a volume purporting to be a

18 volume of the Revised Code and to have been printed on behalf of the

19 Government of the Marshall Islands is prima facie evidence that the

20 volume is a volume of the Revised Code.

21           (3) Subject to Subsection (4) -

22            (a) the copies of the Revised Code sealed under

23                 Section 17; and

1 (b) copies of replacement sheets and new texts prepared  
2 under Section 13 and certified by the Commissioner  
3 to be such copies, as affected by any notice under  
4 Section 14,

5 and for all purposes conclusive evidence of the texts of the laws to which  
6 they relate.

7 (4) Until such time as they have been approved by resolution  
8 of the Nitijela, replacement sheets and new texts referred to in  
9 Subsection (3) are prima facie evidence only.

10 (5) All courts and persons acting judicially shall take  
11 judicial notice of the signature of the Commissioner appearing on a  
12 certificate referred to in Subsection (3) or on a notice under Section 4,  
13 without proof of his identity.

14 (6) The provisions of this section are in addition to any  
15 other law relating to evidence or judicial notice.

16 Section 16. Sealed copies.

17 (1) Three bound copies of each volume of the Revised Code  
18 as originally published and in effect shall be dated and signed by the  
19 President and the Speaker and shall be sealed with the official seal  
20 of the Nitijela.

21 (2) One of the sealed copies shall be kept among the records  
22 of the High Court, one shall be held in the records of the Nitijela and  
23 one shall be held in such custody as the President directs.

24 (3) One copy of each replacement sheet or new text prepared

1 under Section 13 and certified by the Commissioner to be such a copy,  
2 and one of each notice under Section 14 signed by the Commissioner and  
3 not disallowed under Section 14(3), shall be kept with each of the  
4 sealed copies.

5 Section 17. Distribution of the Revised Code.

6 (1) Copies of the Revised Code shall be distributed free of  
7 charge among such persons, officers, Departments and institutions as  
8 the Speaker directs.

9 (2) There shall be offered for sale to the public such  
10 number of copies at such prices as the Cabinet directs.

11 Section 18. Periodical lists of laws not yet incorporated into  
the Revised Code.

12 The Commissioner shall from time to time, at intervals not  
13 exceeding six months, publish in the Government Gazette lists of all  
14 laws amending, repealing or affecting laws included in the Revised Code  
15 for which replacement sheets or new texts have not been issued under  
16 Section 13, and of other new laws not yet included.

17 Section 19. Place of this Act, etc., in the Revised Code.

18 (1) This Act and the Act made in accordance with Section 11,  
19 and any subordinate instrument made under either of those Acts, shall be  
20 included at or about the beginning of the text of the Revised Code.

21 (2) Section 7 does not apply to or in respect of the  
22 printing of an Act or a subordinate instrument referred to in  
23 Subsection (1).

24 Section 20. Reports by the Commissioner.

25 The Commissioner may from time to time, and shall as and when

1 requested by the Nitijela, report to the Nitijela on the Revised Code,  
2 with any suggestions that he has as to its improvement and as to amendments  
3 to the laws, especially for the improvement in their form and presentation,  
4 drawing attention to any gaps, inconsistencies and problems in them.

5 Section 21. Effective date.

6 This Act becomes effective on the date on which it becomes law.

7 CERTIFICATE

8 I hereby certify:

9 (1) that the above Nitijela Bill No. 33 has been passed by the  
10 Nitijela of the Marshall Islands on the 2nd day of November, 1981; and

11 (2) that I am satisfied that Bill No. 33 has been passed in  
12 accordance with the Constitution of the Marshall Islands and the Rules of  
13 the Nitijela.

14 I hereby place my signature before the Clerk of the Nitijela this 18th day  
15 of November, 1981.

16 /s/ Atlan Anien  
17 Atlan Anien, Speaker  
Nitijela of the Marshall Islands

18 Attest:

19 /s/ Donald F. Capelle  
20 Donald F. Capelle, Clerk  
Nitijela of the Marshall Islands

21 Concurred on December 16, 1981