NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

37TH CONSTITUTIONAL REGULAR SESSION, 2016

RESOLUTION NO.: 01

A

RESOLUTION

to approve the new legislative format, structure and text of the Marshall Islands laws.

WHEREAS the Marshall Islands laws were first formatted and codified in 1979; and

WHEREAS under the Revision of Laws Act of 1981, it provides for the continuing revision and codification of the laws; and

WHEREAS the Revision of Laws Act provides for the Commissioner of the Revised Code who is currently, the Legislative Counsel for the Nitijela, from time to time, to issue general directions as to drafting style, the manner and form of the presentation of the laws of the Marshall Islands, with the aim of improving and standardizing the form, and for clarity in the drafting of laws; and

WHEREAS much improvements have been made to standardized and modified the laws, with continuous updates, improvements and accessibility of laws over the past years; and

WHEREAS the Commissioner, with the assistant of a consultant company has developed a new formatting, style and the typeface for draft bills, resolutions and the revision of the laws to improve the overall readability, and clarity, and to enhance the public accessibility to the laws especially through the newly developed drafting and website components; and

WHEREAS attached are the sample copies of new legislative format, structure and text of the Marshall Islands laws and resolution; now therefore,

BE IT RESOLVED by the People of the Republic of the Marshall Islands, through their Nitijela in its 37th Constitutional Regular Session, 2016 that the Nitijela hereby approves the use of the new formatting, style and the typeface of the laws which includes draft bills, resolutions and the Revised Code of the Marshall Islands.

RESOLUTION NO.: 01

Date: Feb. 5, 2016

Introduce by:

KENNETH A. KOOI
PRINT NAME

Signature

Alvin Jacklick
PRINT NAME

Signature

LITOKWA TOMENA
PRINT NAME

Signature

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

RESOLUTION 01

Sponsored by:

Speaker Kenneth A. Kedi

Approved:

ACTING CLERK **SIGNATURE**

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
37TH CONSTITUTIONAL REGULAR SESSION, 2016

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

RESOLUTION 01

A RESOLUTION to approve the new legislative format, structure and text of the Marshall Islands laws.

WHEREAS the Marshall Islands laws were first formatted and codified in 1979; and

WHEREAS under the Revision of Laws Act of 1981, it provides for the continuing revision and codification of the laws; and

WHEREAS the Revision of Laws Act provides for the Commissioner of the Revised Code who is currently, the Legislative Counsel for the Nitijela, from time to time, to issue general directions as to drafting style, the manner and form of the presentation of the laws of the Marshall Islands, with the aim of improving and standardizing the form, and for clarity in the drafting of laws; and

WHEREAS much improvements have been made to standardized and modified the laws, with continuous updates, improvements and accessibility of laws over the past years; and

WHEREAS the Commissioner, with the assistant of a consultant company has developed a new formatting, style and the typeface for draft bills, resolutions and the revision of the laws to improve the overall readability, and clarity, and to enhance the public accessibility to the laws especially through the newly developed drafting and website components; now therefore,

BE IT RESOLVED by the People of the Republic of the Marshall Islands, through their Nitijela in its 37th Constitutional Regular Session, 2016 that the Nitijela hereby approves the use of the new formatting, style and the typeface of the laws which includes draft bills, resolutions and the Revised Code of the Marshall Islands.

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
37TH CONSTITUTIONAL REGULAR SESSION, 2016

RESOLUTION 01

SIGNATURES

DATE:_____ **INTRODUCED BY** _____ _____
Print Name *Signature*

DATE:_____ **INTRODUCED BY** KESSAI H. NOTE _____
Print Name *Signature*

DATE:_____ **INTRODUCED BY** _____ _____
Print Name *Signature*

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
37TH CONSTITUTIONAL REGULAR SESSION, 2016

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

REVISIONS OF LAWS ACT

A BILL FOR AN ACT to provide for the preparation and publication of a Revised Code of the laws of the Republic of the Marshall Islands, and for its continuing revision and maintenance up to date.

BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

§101. Short title.

This Act may be cited as the Revisions of Laws Act.

§102. Interpretation.

In this Chapter :

(a) "**the Commissioner**" means the Commissioner for the Revised Code of the Republic of the Marshall Islands appointed by or under Section 103 of this Chapter;

(b) "**law of the Republic**" means:

(i) a law contained in the 1975 Marshall Islands Code;

(ii) any other law made by the Nitijela or the former Marshall Islands Nitijela;

(iii) any law of the Trust Territory of the Pacific Islands having effect as part of the law of the Republic;

(iv) any law of the United States of America having effect, otherwise than of its own force, as part of the law of the Republic;

(v) any subordinate instrument of a legislative nature made under a law referred to in Clauses (i), (ii), (iii), or (iv) of these Paragraphs; or

(vi) any regulations or other determinations made by the Public Service Commission under Article VII of the Constitution of the Marshall Islands;

but does not include:

(vii) the Constitution of the Marshall Islands;

(viii) the common law;

(ix) any law of the United States of America having effect in the Republic of its own force; or

(x) ordinances of local governments;

(c) "**laws of the United States**" include an executive order of the President of the United States or an executive order;

(d) "**laws to which this Chapterapplies**" means all laws of the Republic in force on the prescribed date, other than any such law that is omitted from the Revised Code under Section 105 of this Chapter;

(e) "**meeting**", in relation to the Nitijela, means any period of sittings of the Nitijela during which it is not dissolved and does not adjourn or recess:

(i) to the call of the Speaker;

(ii) without fixing a day; or

(iii) for more than five (5) days that would otherwise be sitting days;

(f) "**the prescribed date**" means a date fixed by the Speaker with the concurrence of the Cabinet, by the Government Gazette for the purpose of Section 104 of this Chapter;

(g) "**provision**" means a law or part of a law;

(h) "**the Revised Code**" means the text of the revised edition of the laws of the Republic prepared under the authority of this Chapter.

§103. The Commissioner for the Revised Code.

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

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

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

(4) At any time when there is no Commissioner appointed under Subsection (1) of this Section, the Legislative Counsel is the Commissioner. [P.L. 1981-15, §3.]

§104. Preparation of the Revised Code.

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

(2) In the first instance, the Revised Code shall be prepared as at the prescribed date.[P.L. 1981-15, §4.]

§105. Omission of certain laws which remain in effect.

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

(2) As provided by Section 112 of this Chapter, the omission from the Revised Code under Subsection (1) of this Section of a law does not affect its continued operation. [P.L.1981-15, §5.]

§106. Editorial omission of certain laws.

(1) In the preparation of the Revised Code the Commissioner may omit:

(a) all provisions that:

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

(ii) have expired;

(iii) have had their effect; or

(iv) have been superseded;

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

(c) all provisions continuing in effect a law to which this Chapterapplies made under a repealed provision where that law is itself included in the Revised Code;

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

(e) all provisions prescribing the date on which a provision is to take effect, or the manner on which that date is to be fixed, where the omission can conveniently be made;

(f) all amending provisions, where the amendments have been embodied in the law to which they relate;

(g) all enacting clauses;

(h) all provisions so far as they effect changes in titles or citations of laws;

(i) all provisions the whole of which (except provisions relating to titles and citations of laws, incorporation with other laws, and other preliminary and formal matters) consists of amendments to other laws, where the amended laws are themselves included in the Revised Code;

(j) all declaratory provisions where they are incorporated in some other law in accordance with Section 107(l)(m) of this Chapter;

(k) all forms, where the omission can conveniently be made;

(l) all validating provisions;

(m) all vesting provisions; and

(n) all subordinate instruments made under laws omitted from the Revised Code by virtue of the preceding provisions of this Section.

(2) To the extent that any provision otherwise in effect is omitted from the Revised Code by virtue of Subsection (1) of this Section it shall be deemed to have been repealed. **[P.L.1981-15, §6.]**

§107. Editorial powers of revision.

(1) Subject to Section 109 of this Chapter, in the preparation of the Revised Code the Commissioner may:

(a) arrange the laws in such Titles and Chapters, or in such other manner, as seems to him appropriate;

(b) correct grammatical, typographical, clerical and similar errors and inconsistencies;

(c) correct punctuation;

(d) alter or correct references and cross-references;

(e) renumber provisions;

(f) alter the order or arrangement of any provision;

(g) supply, alter or omit marginal notes or head-notes;

(h) supply, alter or omit footnotes and other annotations by way of amplification, reference or cross-reference;

(i) supply, alter or delete a short title to any law;

(j) make such formal alterations as to names, locations, departments, offices and titles, and otherwise, as may be necessary or desirable to bring any provision into conformity with circumstances as at the prescribed date;

(k) omit any word, expression, nomenclature or provision that has become obsolete and replace it (where necessary) with an appropriate word, expression, nomenclature or provision;

(l) make any alteration to any provision that may be necessary to give full effect to any other law by which the scope, effect or construction of the provision is affected;

(m) where the meaning or effect of a declaratory provision can conveniently be expressed by incorporating it into some other law, so incorporate it in a convenient form;

(n) consolidate into one provision, with such alterations as may be necessary or convenient as a result, any provisions relating to the same subject matter, or which it is otherwise convenient to consolidate;

(o) alter the form or arrangement of any provision by transferring words or by dividing it into a number of provisions;

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
37TH CONSTITUTIONAL REGULAR SESSION, 2016

REVISIONS OF LAWS ACT

BILL SUMMARY

This Bill proposes to provide for the preparation and publication of a Revised Code of the laws of the Republic of the Marshall Islands, and for its continuing revision and maintenance up to date

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
37TH CONSTITUTIONAL REGULAR SESSION, 2016

REVISIONS OF LAWS ACT

SIGNATURES

DATE:_____ **INTRODUCED BY** _____ _____
Print Name *Signature*

DATE:_____ **INTRODUCED BY** KESSAI H. NOTE
Print Name *Signature*

DATE:_____ **INTRODUCED BY** _____ _____
Print Name *Signature*

TITLE 1 – GENERAL PROVISIONS
CHAPTER 1 - REVISION OF THE LAWS

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

REVISION OF LAWS ACT 1981

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TITLE 1 – GENERAL PROVISIONS
CHAPTER 1 - REVISION OF THE LAWS

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

REVISION OF LAWS ACT 1981

AN ACT to provide for the preparation and publication of a Revised Code of the laws of the Republic of the Marshall Islands, and for its continuing revision and maintenance up to date.[1]

Commencement:	*November 18, 1981*
Source:	*P.L. 1981-15*

§101. Short Title.

This Chaptermay be cited as the "Revision of Laws Act 1981" [P.L. 1981-15, §1.]

§102. Interpretation.

In this Chapter :

(a) **"the Commissioner"** means the Commissioner for the Revised Code of the Republic of the Marshall Islands appointed by or under Section 103 of this Chapter;

(b) **"law of the Republic"** means:

(i) a law contained in the 1975 Marshall Islands Code;

(ii) any other law made by the Nitijela or the former Marshall Islands Nitijela;

(iii) any law of the Trust Territory of the Pacific Islands having effect as part of the law of the Republic;

(iv) any law of the United States of America having effect, otherwise than of its own force, as part of the law of the Republic;

(v) any subordinate instrument of a legislative nature made under a law referred to in Clauses (i), (ii), (iii), or (iv) of these Paragraphs; or

(vi) any regulations or other determinations made by the Public Service Commission under Article VII of the Constitution of the Marshall Islands;

but does not include:

(vii) the Constitution of the Marshall Islands;

(viii) the common law;

(ix) any law of the United States of America having effect in the Republic of its own force; or

(x) ordinances of local governments;

(c) "**laws of the United States**" include an executive order of the President of the United States or an executive order;

(d) "**laws to which this Chapterapplies**" means all laws of the Republic in force on the prescribed date, other than any such law that is omitted from the Revised Code under Section 105 of this Chapter;

(e) "**meeting**", in relation to the Nitijela, means any period of sittings of the Nitijela during which it is not dissolved and does not adjourn or recess:

(i) to the call of the Speaker;

(ii) without fixing a day; or

(iii) for more than five (5) days that would otherwise be sitting days;

(f) "**the prescribed date**" means a date fixed by the Speaker with the concurrence of the Cabinet, by the Government Gazette for the purpose of Section 104 of this Chapter;

(g) "**provision**" means a law or part of a law;

(h) "**the Revised Code**" means the text of the revised edition of the laws of the Republic prepared under the authority of this Chapter.[P.L. . 1981-15, §2.]

§103. The Commissioner for the Revised Code.

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

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

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

(4) At any time when there is no Commissioner appointed under Subsection (1) of this Section, the Legislative Counsel is the Commissioner. [P.L. 1981-15, §3.]

§104. Preparation of the Revised Code.

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

(2) In the first instance, the Revised Code shall be prepared as at the prescribed date.[P.L. 1981-15, §4.]

§105. Omission of certain laws which remain in effect.

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

(2) As provided by Section 112 of this Chapter, the omission from the Revised Code under Subsection (1) of this Section of a law does not affect its continued operation. [P.L.1981-15, §5.]

§106. Editorial omission of certain laws.

(1) In the preparation of the Revised Code the Commissioner may omit:

(a) all provisions that:

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

(ii) have expired;

(iii) have had their effect; or

(iv) have been superseded;

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

(c) all provisions continuing in effect a law to which this Chapterapplies made under a repealed provision where that law is itself included in the Revised Code;

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

(e) all provisions prescribing the date on which a provision is to take effect, or the manner on which that date is to be fixed, where the omission can conveniently be made;

(f) all amending provisions, where the amendments have been embodied in the law to which they relate;

(g) all enacting clauses;

(h) all provisions so far as they effect changes in titles or citations of laws;

(i) all provisions the whole of which (except provisions relating to titles and citations of laws, incorporation with other laws, and other preliminary and formal matters) consists of amendments to other laws, where the amended laws are themselves included in the Revised Code;

(j) all declaratory provisions where they are incorporated in some other law in accordance with Section 107(l)(m) of this Chapter;

(k) all forms, where the omission can conveniently be made;

(l) all validating provisions;

(m) all vesting provisions; and

(n) all subordinate instruments made under laws omitted from the Revised Code by virtue of the preceding provisions of this Section.

(2) To the extent that any provision otherwise in effect is omitted from the Revised Code by virtue of Subsection (1) of this Section it shall be deemed to have been repealed. [P.L.1981-15, §6.]

§107. Editorial powers of revision.

(1) Subject to Section 109 of this Chapter, in the preparation of the Revised Code the Commissioner may:

(a) arrange the laws in such Titles and Chapters, or in such other manner, as seems to him appropriate;

(b) correct grammatical, typographical, clerical and similar errors and inconsistencies;

(c) correct punctuation;

(d) alter or correct references and cross-references;

(e) renumber provisions;

(f) alter the order or arrangement of any provision;

(g) supply, alter or omit marginal notes or head-notes;

(h) supply, alter or omit footnotes and other annotations by way of amplification, reference or cross-reference;

(i) supply, alter or delete a short title to any law;

(j) make such formal alterations as to names, locations, departments, offices and titles, and otherwise, as may be necessary or desirable to bring any provision into conformity with circumstances as at the prescribed date;

(k) omit any word, expression, nomenclature or provision that has become obsolete and replace it (where necessary) with an appropriate word, expression, nomenclature or provision;

(l) make any alteration to any provision that may be necessary to give full effect to any other law by which the scope, effect or construction of the provision is affected;

(m) where the meaning or effect of a declaratory provision can conveniently be expressed by incorporating it into some other law, so incorporate it in a convenient form;

(n) consolidate into one provision, with such alterations as may be necessary or convenient as a result, any provisions relating to the same subject matter, or which it is otherwise convenient to consolidate;

(o) alter the form or arrangement of any provision by transferring words or by dividing it into a number of provisions;

(p) transfer any provision of any law to some other law to which it more properly or more conveniently belongs;

(q) include any form, schedule or other provision of a law as or in a subordinate instrument, where that can be conveniently and properly done;

(r) make the necessary alterations (including the provision, alteration or deletion of a definition) where:

(i) the meaning of any provision can be more conveniently expressed by reliance on any law relating to the interpretation of effect of statutes; or

(ii) the meaning of any provision that relies on any such law, or that is expressed by reference to any other provision, can be more conveniently expressed without such reliance or reference;

(s) where the effect of a subordinate instrument can conveniently be expressed in tabular or other condensed form, so express it;

(t) generally, adapt a standard form for any provision in common use, subject to any directions under Subsection (4) of this Section, and alter any provision accordingly;

(u) make any alterations that are desirable for generally improving, and bringing into conformity with modern standards of drafting, the form and manner in which any provision is expressed;

(v) make any alterations that are desirable to shorten and simplify the wording of any provision, and to make it more easily translatable into the Marshallese language;

(w) where appropriate, restyle laws or provisions (other than subordinate instruments) as "Act";

(x) make any other formal or non-substantive additions, alterations or omissions that are necessary or desirable to bring the laws into conformity with constitutional change in the Republic or elsewhere; and

(y) generally do any other thing relating to form or method that is desirable for the perfecting of the Revised Code, whether by analogy with the preceding provisions of this Subsection or otherwise, and in particular make any omission or alteration

that is consequential on, or made desirable by, any omission or alteration made under Section106 of this Chapteror the preceding provisions of this Subsection.

(2) In particular, the Commissioner, after consultation with the Attorney-General and the Legislative Counsel, and subject to Section 109 of this Chapter, shall include in the Revised Code general provisions relating to the construction, application and interpretation of laws and to related matters, and to the shortening and simplification of laws.

(3) The powers conferred by Subsections (1) and (2) of this Section are cumulative; each such power is in addition to and not in derogation of anyone provision.

(4) The Legislative Counsel, after consultation with the Attorney-General and the Commissioner, may issue general directions as to drafting style and the manner and form of the presentation of laws in the Revised Code and as to the exercise of the powers conferred by the preceding provisions of this Section, and generally for implementing those provisions, with a particular view to improving and standardizing the form and drafting of laws for the future. [P.L. 1981-15, §7.]

§108. Texts of documents included in Acts, etc.

Where any law to which this Chapterapplies sets out the text, or part of the text, of any provision of the Constitution of the Marshall Islands, any agreement or any other document (other than a provision of a law to which this Chapterapplies), nothing in this Chapterallows any alteration to the text of that provision, agreement or document.[P.L. 1981-15, §8.]

§109. Alterations of substance.

(1) Nothing in Section 107 of this Chapterallows the making of any change in the substance and effect of any law, but this Subsection does not affect the operation of Section 112 of this Chapter.

(2) If it appears desirable that, for the purpose of the preparation of the Revised Code or for a purpose related to it, any alteration not authorized by Section 106 or 107 of this Chaptershould be made, or some further or other legislative provision should be made, the Legislative Counsel may cause a Bill or other appropriate draft law to

be prepared, and may present it to the President and the Speaker to be dealt with in the ordinary way.[P.L. 1981-15, §9.]

§110. Inclusion of other laws, etc.

(1) There may be included, for information, in the Revised Code:

(a) the Constitution of the Marshall Islands;

(b) any Compact of Free Association with the United States of America, and any related agreements referred to in that Compact;

(c) the Rules of Procedure of the Nitijela and of the Council of Iroij;

(d) any relevant statutes and other legislative or executive instruments of the United States of America;

(e) any treaties, international agreements or conventions to which the Republic is a party; and

(f) any other material directed to be included by the Nitijela or the Cabinet, or that the Commissioner considers would be useful to users of the Revised Code.

However, no such material shall be deemed to be part of the Revised Code for the purposes of this Chapter, and the other provisions of this Chapterdo not apply in relation to it.

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

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

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

(3) The provisions of this Chapter, with the necessary modifications, apply to and with respect to laws included in the Revised Code by virtue of Subsection (2) of this Section, except that in the case of laws referred to in Paragraph (2)(b) of this Section, the date of the notice under that Paragraph shall be treated as the prescribed date.[P.L. 1981-15, §10.]

§111. Date of effect of the Revised Code.

The Revised Code shall come into effect on such date as is provided for by an Act that adopted it as the law of the Republic.[P.L. 1981-15, §11.]

§112. Effect of the Revised Code.

(1) Except so far as concerns any law omitted from the Revised Code under Section 105 of this Chapter, on and after the date referred to in Section 111 of this Chapterthe Revised Code is, for all purposes, the sole authentic text of the laws of the Republic as at the effective date.

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

(3) On the date referred to in Section 111 of this Chapter, all subordinate instruments that:

(a) were made under a provision of a law to which this Chapterapplies;

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

(c) were omitted from the Revised Code under Section 105 of this Chapter, shall be deemed to have been in force on the effective date as if they had been made under the corresponding provision in the Revised Code.

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

(5) Where in any law or document reference is made to any provision of any law to which this Chapterapplies by reference to a text other than the text of the Revised Code, the reference shall, as necessary and practicable, be construed as a reference to the corresponding provision of the Revised Code.

(6) The inclusion of a law in, or the exclusion of a law from, the Revised Code does not affect any civil or criminal proceeding commenced under that law before the date referred to in Section 111 of this Chapter, and every such proceeding may be continued, and anything

in relation to it may be done, as if the law had not been so included or excluded.[P.L. 1981-15, §12.]

§113. Replacements and additional material.

(1) The Commissioner shall from time to time cause to be issued:

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

(b) directions for the removal of provisions that have been repealed or have expired, have had their effect or otherwise might have been omitted from the Revised Code in accordance with Section 106 of this Chapter; and

(c) new texts of laws of the Republic to be incorporated in the Revised Code (including revised texts of law already included in the Revised Code).

(2) In preparing a replacement sheet or a new text of a law the Commissioner may exercise as appropriate, all or any of the powers conferred by Section 106, 107, or 109 of this Chapter.[P.L.. 1981-15, §13.]

§114. Correction of errors.

(1) The Commissioner may, by notice in the Government Gazette:

(a) supply any omission from the Revised Code;

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

(c) rectify in a manner consistent with this Chapterany other error so appearing.

(2) The Commissioner shall promptly:

(a) forward a copy of the notice to all persons, officers, Departments and institutions by whom, to his knowledge, copies of the Revised Code are held; and

(b) forward a copy of the notice to the Speaker for presentation to the Nitijela.

(3) If a resolution that a notice under Subsection (l) of this Section be disallowed is passed by the Nitijela at the meeting during which the notice is presented to it, or during the next meeting, the notice ceases to have effect, but without prejudice to the validity of anything

previously done or suffered by reason of it or to the making of a new notice.[P.L. 1981-15, §14.]

§115. Judicial notice, etc.

(1) All courts and persons acting judicially shall take judicial notice of the text of the laws to which this Chapterapplies as included in the Revised Code.

(2) The mere production of a volume purporting to be a volume of the Revised Code and to have been printed on behalf of the Government of the Marshall Islands is prima facie evidence that the volume is a volume of the Revised Code.

(3) Subject to Subsection (4) of this Section:

(a) the copies of the Revised Code sealed under Section 116 of this Chapter; and

(b) copies of replacement sheets and new texts prepared under Section 113 of this Chapterand certified by the Commissioner to be such copies, as affected by any notice under Section 114 of this Chapter, are for all purposes conclusive evidence of the texts of the laws to which they relate.

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

(5) All courts and persons acting judicially shall take judicial notice of the signature of the Commissioner appearing on a certificate referred to in Subsection (3) of this Section or on a notice under Section 104 of this Chapter, without proof of his identity.

(6) The provisions of this Section are in addition to any other law relating to evidence or judicial notice.[P.L. 1981-15, §15.]

§116. Sealed copies.

(1) Three (3) bound copies of each volume of the Revised Code as originally published and in effect shall be dated and signed by the President and the Speaker and shall be sealed with the official seal of the Nitijela.

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

(3) One copy of each replacement sheet or new text prepared under Section 113 of this Chapter and certified by the Commissioner to be such a copy, and one of each notice under Section 114 of this Chaptersigned by the Commissioner and not disallowed under Section 114(3) of this Chapter, shall be kept with each of the sealed copies.[P.L. 1981-15, §16.]

§117. Distribution of the Revised Code.

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

(2) There shall be offered for sale to the public such number of copies at such prices as the Cabinet directs.[P.L.1981-15, §17.]

§118. Periodical lists of laws not yet incorporated into the Revised Code.

The Commissioner shall from time to time, at intervals not exceeding six (6) months, publish in the Government Gazette lists of all laws amending, repealing or affecting laws included in the Revised Code for which replacement sheets or new texts have not been issued under Section 113 of this Chapter, and of other new laws not yet included.[P.L. 1981-15, §18.]

§119. Place of this Act, etc., in the Revised Code.

(1) This Chapterand the Act made in accordance with Section 111 of this Chapter, and any subordinate instrument made under either of those Acts, shall be included at or about the beginning of the text of the Revised Code.

(2) Section 107 of this Chapterdoes not apply to or with respect to the printing of an Act or a subordinate instrument referred to in Subsection (1) of this Section.[P.L. 1981-15, §19.]

§120. Reports by the Commissioner.

The Commissioner may from time to time, and shall as and when requested by the Nitijela, report to the Nitijela on the Revised Code, with any

suggestions that he has as to its improvement and as to amendments to the laws, especially for the improvement in their form and presentation drawing attention to any gaps, inconsistencies and problems in them.[P.L.1981-15, §20.]

ENDNOTES

Endnote References

1 [Section numbering style modified to conform to the new Code format (Rev. 2003)]

TITLE 1 – GENERAL PROVISIONS
CHAPTER 1 - REVISION OF THE LAWS

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

REVISION OF LAWS ACT 1981

AN ACT to provide for the preparation and publication of a Revised Code of the laws of the Republic of the Marshall Islands, and for its continuing revision and maintenance up to date.[1]

Commencement: *November 18, 1981*
Source: *P.L. 1981-15*

§101. Short Title.

This Chaptermay be cited as the "Revision of Laws Act 1981" [P.L. 1981-15, §1.]

§102. Interpretation.

In this Chapter :

(a) **"the Commissioner"** means the Commissioner for the Revised Code of the Republic of the Marshall Islands appointed by or under Section 103 of this Chapter;

(b) **"law of the Republic"** means:

(i) a law contained in the 1975 Marshall Islands Code;

(ii) any other law made by the Nitijela or the former Marshall Islands Nitijela;

(iii) any law of the Trust Territory of the Pacific Islands having effect as part of the law of the Republic;

(iv) any law of the United States of America having effect, otherwise than of its own force, as part of the law of the Republic;

(v) any subordinate instrument of a legislative nature made under a law referred to in Clauses (i), (ii), (iii), or (iv) of these Paragraphs; or

(vi) any regulations or other determinations made by the Public Service Commission under Article VII of the Constitution of the Marshall Islands;

but does not include:

(vii) the Constitution of the Marshall Islands;

(viii) the common law;

(ix) any law of the United States of America having effect in the Republic of its own force; or

(x) ordinances of local governments;

(c) "**laws of the United States**" include an executive order of the President of the United States or an executive order;

(d) "**laws to which this Chapterapplies**" means all laws of the Republic in force on the prescribed date, other than any such law that is omitted from the Revised Code under Section 105 of this Chapter;

(e) "**meeting**", in relation to the Nitijela, means any period of sittings of the Nitijela during which it is not dissolved and does not adjourn or recess:

(i) to the call of the Speaker;

(ii) without fixing a day; or

(iii) for more than five (5) days that would otherwise be sitting days;

(f) "**the prescribed date**" means a date fixed by the Speaker with the concurrence of the Cabinet, by the Government Gazette for the purpose of Section 104 of this Chapter;

(g) "**provision**" means a law or part of a law;

(h) "**the Revised Code**" means the text of the revised edition of the laws of the Republic prepared under the authority of this Chapter.[P.L. . 1981-15, §2.]

§103. The Commissioner for the Revised Code.

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

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

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

(4) At any time when there is no Commissioner appointed under Subsection (1) of this Section, the Legislative Counsel is the Commissioner. [P.L. 1981-15, §3.]

§104. Preparation of the Revised Code.

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

(2) In the first instance, the Revised Code shall be prepared as at the prescribed date.[P.L. 1981-15, §4.]

§105. Omission of certain laws which remain in effect.

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

(2) As provided by Section 112 of this Chapter, the omission from the Revised Code under Subsection (1) of this Section of a law does not affect its continued operation. [P.L.1981-15, §5.]

§106. Editorial omission of certain laws.

(1) In the preparation of the Revised Code the Commissioner may omit:

(a) all provisions that:

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

(ii) have expired;

(iii) have had their effect; or

(iv) have been superseded;

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

(c) all provisions continuing in effect a law to which this Chapterapplies made under a repealed provision where that law is itself included in the Revised Code;

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

(e) all provisions prescribing the date on which a provision is to take effect, or the manner on which that date is to be fixed, where the omission can conveniently be made;

(f) all amending provisions, where the amendments have been embodied in the law to which they relate;

(g) all enacting clauses;

(h) all provisions so far as they effect changes in titles or citations of laws;

(i) all provisions the whole of which (except provisions relating to titles and citations of laws, incorporation with other laws, and other preliminary and formal matters) consists of amendments to other laws, where the amended laws are themselves included in the Revised Code;

(j) all declaratory provisions where they are incorporated in some other law in accordance with Section 107(l)(m) of this Chapter;

(k) all forms, where the omission can conveniently be made;

(l) all validating provisions;

(m) all vesting provisions; and

(n) all subordinate instruments made under laws omitted from the Revised Code by virtue of the preceding provisions of this Section.

(2) To the extent that any provision otherwise in effect is omitted from the Revised Code by virtue of Subsection (1) of this Section it shall be deemed to have been repealed. [P.L.1981-15, §6.]

§107. Editorial powers of revision.

(1) Subject to Section 109 of this Chapter, in the preparation of the Revised Code the Commissioner may:

(a) arrange the laws in such Titles and Chapters, or in such other manner, as seems to him appropriate;

(b) correct grammatical, typographical, clerical and similar errors and inconsistencies;

(c) correct punctuation;

(d) alter or correct references and cross-references;

(e) renumber provisions;

(f) alter the order or arrangement of any provision;

(g) supply, alter or omit marginal notes or head-notes;

(h) supply, alter or omit footnotes and other annotations by way of amplification, reference or cross-reference;

(i) supply, alter or delete a short title to any law;

(j) make such formal alterations as to names, locations, departments, offices and titles, and otherwise, as may be necessary or desirable to bring any provision into conformity with circumstances as at the prescribed date;

(k) omit any word, expression, nomenclature or provision that has become obsolete and replace it (where necessary) with an appropriate word, expression, nomenclature or provision;

(l) make any alteration to any provision that may be necessary to give full effect to any other law by which the scope, effect or construction of the provision is affected;

(m) where the meaning or effect of a declaratory provision can conveniently be expressed by incorporating it into some other law, so incorporate it in a convenient form;

(n) consolidate into one provision, with such alterations as may be necessary or convenient as a result, any provisions relating to the same subject matter, or which it is otherwise convenient to consolidate;

(o) alter the form or arrangement of any provision by transferring words or by dividing it into a number of provisions;

(p) transfer any provision of any law to some other law to which it more properly or more conveniently belongs;

(q) include any form, schedule or other provision of a law as or in a subordinate instrument, where that can be conveniently and properly done;

(r) make the necessary alterations (including the provision, alteration or deletion of a definition) where:

(i) the meaning of any provision can be more conveniently expressed by reliance on any law relating to the interpretation of effect of statutes; or

(ii) the meaning of any provision that relies on any such law, or that is expressed by reference to any other provision, can be more conveniently expressed without such reliance or reference;

(s) where the effect of a subordinate instrument can conveniently be expressed in tabular or other condensed form, so express it;

(t) generally, adapt a standard form for any provision in common use, subject to any directions under Subsection (4) of this Section, and alter any provision accordingly;

(u) make any alterations that are desirable for generally improving, and bringing into conformity with modern standards of drafting, the form and manner in which any provision is expressed;

(v) make any alterations that are desirable to shorten and simplify the wording of any provision, and to make it more easily translatable into the Marshallese language;

(w) where appropriate, restyle laws or provisions (other than subordinate instruments) as "Act";

(x) make any other formal or non-substantive additions, alterations or omissions that are necessary or desirable to bring the laws into conformity with constitutional change in the Republic or elsewhere; and

(y) generally do any other thing relating to form or method that is desirable for the perfecting of the Revised Code, whether by analogy with the preceding provisions of this Subsection or otherwise, and in particular make any omission or alteration

that is consequential on, or made desirable by, any omission or alteration made under Section106 of this Chapteror the preceding provisions of this Subsection.

(2) In particular, the Commissioner, after consultation with the Attorney-General and the Legislative Counsel, and subject to Section 109 of this Chapter, shall include in the Revised Code general provisions relating to the construction, application and interpretation of laws and to related matters, and to the shortening and simplification of laws.

(3) The powers conferred by Subsections (1) and (2) of this Section are cumulative; each such power is in addition to and not in derogation of anyone provision.

(4) The Legislative Counsel, after consultation with the Attorney-General and the Commissioner, may issue general directions as to drafting style and the manner and form of the presentation of laws in the Revised Code and as to the exercise of the powers conferred by the preceding provisions of this Section, and generally for implementing those provisions, with a particular view to improving and standardizing the form and drafting of laws for the future. [P.L. 1981-15, §7.]

§108. Texts of documents included in Acts, etc.

Where any law to which this Chapterapplies sets out the text, or part of the text, of any provision of the Constitution of the Marshall Islands, any agreement or any other document (other than a provision of a law to which this Chapterapplies), nothing in this Chapterallows any alteration to the text of that provision, agreement or document.[P.L. 1981-15, §8.]

§109. Alterations of substance.

(1) Nothing in Section 107 of this Chapterallows the making of any change in the substance and effect of any law, but this Subsection does not affect the operation of Section 112 of this Chapter.

(2) If it appears desirable that, for the purpose of the preparation of the Revised Code or for a purpose related to it, any alteration not authorized by Section 106 or 107 of this Chaptershould be made, or some further or other legislative provision should be made, the Legislative Counsel may cause a Bill or other appropriate draft law to

be prepared, and may present it to the President and the Speaker to be dealt with in the ordinary way.[P.L. 1981-15, §9.]

§110. Inclusion of other laws, etc.

(1) There may be included, for information, in the Revised Code:

(a) the Constitution of the Marshall Islands;

(b) any Compact of Free Association with the United States of America, and any related agreements referred to in that Compact;

(c) the Rules of Procedure of the Nitijela and of the Council of Iroij;

(d) any relevant statutes and other legislative or executive instruments of the United States of America;

(e) any treaties, international agreements or conventions to which the Republic is a party; and

(f) any other material directed to be included by the Nitijela or the Cabinet, or that the Commissioner considers would be useful to users of the Revised Code.

However, no such material shall be deemed to be part of the Revised Code for the purposes of this Chapter, and the other provisions of this Chapterdo not apply in relation to it.

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

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

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

(3) The provisions of this Chapter, with the necessary modifications, apply to and with respect to laws included in the Revised Code by virtue of Subsection (2) of this Section, except that in the case of laws referred to in Paragraph (2)(b) of this Section, the date of the notice under that Paragraph shall be treated as the prescribed date.[P.L. 1981-15, §10.]

§111. Date of effect of the Revised Code.

The Revised Code shall come into effect on such date as is provided for by an Act that adopted it as the law of the Republic.[P.L. 1981-15, §11.]

§112. Effect of the Revised Code.

(1) Except so far as concerns any law omitted from the Revised Code under Section 105 of this Chapter, on and after the date referred to in Section 111 of this Chapterthe Revised Code is, for all purposes, the sole authentic text of the laws of the Republic as at the effective date.

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

(3) On the date referred to in Section 111 of this Chapter, all subordinate instruments that:

(a) were made under a provision of a law to which this Chapterapplies;

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

(c) were omitted from the Revised Code under Section 105 of this Chapter, shall be deemed to have been in force on the effective date as if they had been made under the corresponding provision in the Revised Code.

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

(5) Where in any law or document reference is made to any provision of any law to which this Chapterapplies by reference to a text other than the text of the Revised Code, the reference shall, as necessary and practicable, be construed as a reference to the corresponding provision of the Revised Code.

(6) The inclusion of a law in, or the exclusion of a law from, the Revised Code does not affect any civil or criminal proceeding commenced under that law before the date referred to in Section 111 of this Chapter, and every such proceeding may be continued, and anything

in relation to it may be done, as if the law had not been so included or excluded.[P.L. 1981-15, §12.]

§113. Replacements and additional material.

(1) The Commissioner shall from time to time cause to be issued:

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

(b) directions for the removal of provisions that have been repealed or have expired, have had their effect or otherwise might have been omitted from the Revised Code in accordance with Section 106 of this Chapter; and

(c) new texts of laws of the Republic to be incorporated in the Revised Code (including revised texts of law already included in the Revised Code).

(2) In preparing a replacement sheet or a new text of a law the Commissioner may exercise as appropriate, all or any of the powers conferred by Section 106, 107, or 109 of this Chapter.[P.L.. 1981-15, §13.]

§114. Correction of errors.

(1) The Commissioner may, by notice in the Government Gazette:

(a) supply any omission from the Revised Code;

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

(c) rectify in a manner consistent with this Chapterany other error so appearing.

(2) The Commissioner shall promptly:

(a) forward a copy of the notice to all persons, officers, Departments and institutions by whom, to his knowledge, copies of the Revised Code are held; and

(b) forward a copy of the notice to the Speaker for presentation to the Nitijela.

(3) If a resolution that a notice under Subsection (l) of this Section be disallowed is passed by the Nitijela at the meeting during which the notice is presented to it, or during the next meeting, the notice ceases to have effect, but without prejudice to the validity of anything

previously done or suffered by reason of it or to the making of a new notice.[P.L. 1981-15, §14.]

§115. Judicial notice, etc.

(1) All courts and persons acting judicially shall take judicial notice of the text of the laws to which this Chapterapplies as included in the Revised Code.

(2) The mere production of a volume purporting to be a volume of the Revised Code and to have been printed on behalf of the Government of the Marshall Islands is prima facie evidence that the volume is a volume of the Revised Code.

(3) Subject to Subsection (4) of this Section:

(a) the copies of the Revised Code sealed under Section 116 of this Chapter; and

(b) copies of replacement sheets and new texts prepared under Section 113 of this Chapterand certified by the Commissioner to be such copies, as affected by any notice under Section 114 of this Chapter, are for all purposes conclusive evidence of the texts of the laws to which they relate.

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

(5) All courts and persons acting judicially shall take judicial notice of the signature of the Commissioner appearing on a certificate referred to in Subsection (3) of this Section or on a notice under Section 104 of this Chapter, without proof of his identity.

(6) The provisions of this Section are in addition to any other law relating to evidence or judicial notice.[P.L. 1981-15, §15.]

§116. Sealed copies.

(1) Three (3) bound copies of each volume of the Revised Code as originally published and in effect shall be dated and signed by the President and the Speaker and shall be sealed with the official seal of the Nitijela.

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

(3) One copy of each replacement sheet or new text prepared under Section 113 of this Chapter and certified by the Commissioner to be such a copy, and one of each notice under Section 114 of this Chaptersigned by the Commissioner and not disallowed under Section 114(3) of this Chapter, shall be kept with each of the sealed copies.[P.L. 1981-15, §16.]

§117. Distribution of the Revised Code.

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

(2) There shall be offered for sale to the public such number of copies at such prices as the Cabinet directs.[P.L.1981-15, §17.]

§118. Periodical lists of laws not yet incorporated into the Revised Code.

The Commissioner shall from time to time, at intervals not exceeding six (6) months, publish in the Government Gazette lists of all laws amending, repealing or affecting laws included in the Revised Code for which replacement sheets or new texts have not been issued under Section 113 of this Chapter, and of other new laws not yet included.[P.L. 1981-15, §18.]

§119. Place of this Act, etc., in the Revised Code.

(1) This Chapterand the Act made in accordance with Section 111 of this Chapter, and any subordinate instrument made under either of those Acts, shall be included at or about the beginning of the text of the Revised Code.

(2) Section 107 of this Chapterdoes not apply to or with respect to the printing of an Act or a subordinate instrument referred to in Subsection (1) of this Section.[P.L. 1981-15, §19.]

§120. Reports by the Commissioner.

The Commissioner may from time to time, and shall as and when requested by the Nitijela, report to the Nitijela on the Revised Code, with any

suggestions that he has as to its improvement and as to amendments to the laws, especially for the improvement in their form and presentation drawing attention to any gaps, inconsistencies and problems in them.[P.L.1981-15, §20.]

ENDNOTES

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