

## **INTERPRETATION AND GENERAL PROVISIONS ACT**

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## CHAPTER 153

AN ACT to make provision in regard to the construction, application and interpretation of written law, to make certain general provisions with regard to such law and for matters and purposes incidental thereto

Acts  
30 of 1989  
21 of 1991

[22nd September, 1989]

### PART I

#### INTRODUCTORY

1. This Act may be cited as the **INTERPRETATION AND GENERAL PROVISIONS ACT.**

Short title

2. This Act does not apply for the construction or interpretation of the Constitution which is not a written law for the purposes of this Act.

Application

### PART II

#### GENERAL PROVISIONS OF INTERPRETATION

3. (1) In this Act, and in every other written law, and in all public documents, enacted, made or issued before the commencement of this Act and now in force, or after the commencement of this Act, the following words and expressions shall have the meanings hereby assigned to them respectively, except where there is something in the subject or context repugnant to or inconsistent with such construction or interpretation, and except where it is therein expressly otherwise provided—

Interpretation  
of terms

“Act” or “Act of Parliament” means an enactment of Parliament;

“act” used with reference to an offence or civil wrong, includes a series of acts, and words which refer to acts done extend to illegal omissions;

S.I. 1970.  
No. 2

Cap. 25

- “action” means any civil proceedings in a court, and includes any cause as defined in the Rules of the Supreme Court (Revision) 1970, except criminal proceedings by the Crown;
- “alien” means a person who is not a citizen of Grenada;
- “amend” includes repeal, revoke, rescind, cancel, replace, add to, and vary, and the doing of any two or more of such things simultaneously or in the same written law or instrument;
- “applied law” means a law of any other legislature for the time being in force in Grenada by virtue of the provisions of any written law of Grenada;
- “bank holiday” means any day which is to be observed as a bank holiday pursuant to the Bank Holidays Act;
- “Chapter”, “Part”, “section”, “regulation”, “rule” and “Schedule” denote respectively a Chapter, Part, section, regulation and rule of, and a Schedule to, the written law in which the word occurs; and “subsection” and “paragraph” denote respectively a subsection of the section, and a paragraph of the section or subsection, regulation, rule or Schedule in which the word occurs; and “sub-paragraph” denotes a sub-paragraph of a paragraph;
- “child” means an individual under the age of fourteen years;
- “coin” means gold, silver and bronze or other coin issued by the East Caribbean Central Bank for as long as it remains legal tender in Grenada;
- “commencement” used with reference to any written law means the date on which the same came or comes into operation;
- “common law” means so much of the common law, including the doctrines of equity, of England as has effect for the time being in Grenada;
- “the Consolidated Fund” means the Consolidated Fund established by the Constitution;
- “the Constitution” means the Constitution of Grenada set out in Schedule 1 to the Grenada Constitution Order 1973;

S.I. 1973,  
No. 2155

- “contravene”, in relation to any requirement or condition prescribed in any written law or in any grant, permit, lease, licence or authority granted by or under any written law, includes a failure to comply with that requirement or condition;
- “court” means any court of Grenada of competent jurisdiction;
- “Court of Appeal” means the Court of Appeal of the Supreme Court established by Part II of the West Indies Associated States Supreme Court Order, 1967;
- “Crown Agents” means the persons or body for the time being acting as the Crown Agents for Overseas Governments and Administrations;
- “definition” means the interpretation given by any written law to a word or expression;
- “document” includes any publication and any matter written, expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, which is intended to, or may, be used for the purpose of recording that matter;
- “dollar” (or its abbreviated form “\$”) means the dollar issued by the East Caribbean Currency Authority for so long as it remains legal tender in Grenada;
- “export” means to take, or cause to be taken, out of Grenada by sea or air;
- “father” includes an adoptive father;
- “financial year” means the period of twelve months ending on the 31st December in any year;
- “the *Gazette*” means the Grenada Government *Gazette* published by authority of the Government of Grenada, and includes any *Gazette Extraordinary*, and Supplement to the *Gazette*, and any matter referred to in the *Gazette* as being published with the *Gazette*;
- “the Government” means the Government of Grenada;
- “Government land” has the same meaning as “Crown Lands” in the Crown Lands Act, and includes land vested in the Government and land vested in the Government-General for the public uses of Grenada

S.I. 1967,  
No. 223

Cap. 73

Cap. 161

but does not include land acquired under and for the purposes of the Land Settlement Act;

“the Government Printer” means the Government Printer of Grenada, and any other printer authorized by or on behalf of the Government to print any written law or any other document of the Government;

“the Governor-General” means the person appointed as the Governor-General of Grenada under the Constitution;

“Grenada”, “the island”, “the State”, includes Carriacou Petit Martinique and the adjacent islands, and all territorial waters adjacent thereto;

“Her Majesty”, “His Majesty”, “the Queen”, “the King”, “the Crown”, and other references to the Sovereign mean the Sovereign for the time being of the United Kingdom and his or her heirs and successors;

“High Court” means the High Court of Justice of the Supreme Court established by Part II of the West Indies Associated States Supreme Court Order, 1967;

“the House of Representatives” means the House of Representatives established by the Constitution;

“immovable property” includes land, whether covered in water or not, any estate, right, interest or easement in or over any land and things attached to the earth or permanently fastened to anything attached to the earth, and includes a debt secured by mortgage or charge on immovable property;

“import” means to bring, or cause to be brought, into Grenada by sea or air;

“individual” means a natural person;

“Judge” means a Judge of the High Court or the Court of Appeal and includes any person appointed temporarily to be or to act as a Judge of the High Court or the Court of Appeal;

“land” includes messuages, tenaments and hereditaments corporeal or incorporeal, of every tenure or description, whatever may be the estate or interest therein;

“magistrate” means a magistrate appointed under the Magistrates Act and any Justice of the Peace;

S.I. 1967,  
No. 223

Cap. 177

- “master”, used with reference to a ship, means any person (except a pilot, harbour master or other port officer) having for the time being control or charge of the ship;
- “medical practitioner” means a person for the time being duly registered as a medical practitioner under the Medical Practitioners, Dentists and Veterinary Surgeons Registration Act; Cap. 189
- “Minister” means a person appointed to the office of Prime Minister or Minister under the Constitution and includes the Attorney-General;
- “the Minister” means the Minister for the time being responsible for the matter in question, or the Governor-General where any executive authority for the matter in question is held by him, or the Attorney-General where executive authority for the matter in question has been conferred on him;
- “month” means calendar month;
- “movable property” means property of every description except immovable property;
- “oath” and “affidavit”, in the case of persons for the time being allowed by law to declare or affirm instead of swearing, include declaration and affirmation, and in the like case “swear” includes “declare” and “affirm”;
- “occupy” includes use, inhabit, be in possession of or enjoy any land or premises in respect of which the word is used, otherwise than merely as an employee or merely for the purpose of the care, custody or charge thereof;
- “offence” means any crime, felony, misdemeanour or contravention or other breach of or failure to comply with any written law for which a penalty is provided;
- “or”, “other” and “otherwise” shall be construed disjunctively, and not as implying similarity unless the word “similar” or some other word of like meaning is added;
- “parish” means one of the parishes into which Grenada is divided in accordance with the Parish Boundaries Act; Cap. 224

“Parliament” means the Parliament established in and for Grenada by the Constitution and any reference in any written law to “the legislature”, meaning thereby the legislature of Grenada, shall be deemed to be and construed as a reference to Parliament;

“person” includes any company or association or body of persons, corporate or unincorporate;

“Police Force” means the Royal Grenada Police Force established by the Police Act;

“police officer” includes any member of the Police Force, and terms and expressions referring to ranks in the Police Force bear such meaning as may be assigned to them by or under the Police Act;

“power” includes any privilege, authority or discretion;

“prescribed” means prescribed by the Act in which the word occurs or by any subsidiary legislation made thereunder;

“property” includes money, goods, choses in action, land and every description of property, whether movable or immovable, and all obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, arising out of or as an incident to property as hereby defined;

“publication” includes all written and printed matter, and any record, tape, disc, wire, perforated roll, film or other contrivance, by means of which any word, image or idea may be mechanically, electrically or otherwise produced, reproduced, represented, transmitted or conveyed, and everything, whether of a nature similar to the foregoing or not, containing any visible representation, or by its form, shape or in any manner being capable of producing, reproducing, representing or conveying words, images or ideas, and every copy and reproduction of any publication;

“public body” means—

- (a) the Government, and any department, institution or undertaking thereof; or
- (b) a local authority; or

- (c) any authority, board, commission, committee or other body, whether permanent or temporary, or paid or unpaid, which is invested with or is performing functions of a public nature;
- “public office” means any office or employment the holding or discharging of which by a person would constitute that person a public officer;
- “public officer” means any person in the service of, or holding office under, the Government, whether such service or office is permanent or temporary, or paid or unpaid;
- “public place” includes every place to which the public are entitled or permitted to have access whether on payment or otherwise;
- “Public Seal” means the Public Seal of Grenada;
- “registered”, used with reference to a document or the title to any immovable property, means registered under the provisions of any written law for the time being applicable to the registration of such document or title;
- “repeal” includes, rescind, revoke, cancel or replace;
- “rule” includes rule of court, by-law and regulation;
- “rules of court”, when used in relation to any court, means rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of the court;
- “sell” includes barter, exchange and offer to sell or expose for sale;
- “the Senate” means the Senate established by the Constitution;
- “ship” includes every description of vessel used in navigation not propelled by oars;
- “sign”, with reference to a person who is unable to write his name, includes mark;
- “son” includes an adopted son;
- “statutory declaration”, if made—
- (a) in Grenada, means a declaration made by virtue of the provisions of the Oaths Act;

Cap. 217

- (b) in the Commonwealth, elsewhere than in Grenada, means a declaration made before a Justice of the Peace, notary public, commissioner for oaths or other person having authority therein under any statute for the time being in force to take or receive a declaration;
- (c) in any other place, means a declaration made before a British consular officer or pro-consul, or before any person having authority under any statute for the time being in force to take or receive a declaration;
- “street” or “road” includes any highway, street, road, square, court, alley, lane, bridleway, footway, track, path, parade, bridge, thoroughfare, passage or open space to which the public are entitled or permitted to have access whether on payment or otherwise;
- “subsidiary legislation” means any legislative provision (including a transfer or delegation of powers or duties) made in the exercise of any power in that behalf conferred by any written law, by way of proclamation, regulation, rule, order, rule of court, by-law, notice or other instrument;
- “summary conviction” means conviction before any magistrate in accordance with the law for the time being in force regulating the procedure before magistrates in respect of offences within the limits of their jurisdiction;
- “the Supreme Court” means the Court of Appeal and the High Court;
- “the United Kingdom” means Great Britain and Northern Ireland;
- “vessel” includes any ship or boat or any other description of vessel used in navigation;
- “will” includes codicil;
- “word” includes abbreviations, figures, punctuation marks, parentheses and typographical, monetary, metric and mathematical symbols;
- “writing”, and expressions which refer to writing, include printing, lithography, typewriting, word processing.

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photography, and all other modes of representing or reproducing words in visible form;

“written law” means all Acts (including this Act) and subsidiary legislation for the time being in force;

“year” means a year reckoned in accordance with the British Calendar;

“young person” means a person who has ceased to be a child and who is under the age of sixteen years.

(2) Where a word or expression is defined in this or any other written law such definition shall extend, *mutatis mutandis*, to the grammatical variations and cognate expressions of such word or expression.

(3) In every written law, except where a contrary intention appears, words and expressions in the singular include the plural and words and expressions in the plural include the singular.

(4) In every written law, except where a contrary intention appears, words and expressions importing the masculine gender include females.

(5) In every written law, except where a contrary intention appears, the word “may” shall be construed as being directory or empowering and the word “shall” or “must” shall be construed as being mandatory or imperative.

(6) A construction of a written law which is consistent with the international obligations of Grenada is to be preferred to a construction which is not.

(7) In every written law, except where a contrary intention appears, expressions in the present tense shall be applied to circumstances as they arise so that effect may be given to the written law according to its true spirit.

(8) Where consecutive provisions of a written law are described by reference to the number or letter by which the first and last of the provisions are designated, the description shall be read and construed as including the first and last of the provisions.

(9) Marginal notes in, and references to other written laws in the margin of, a written law do not form part of that written law and shall be treated as having been inserted for convenience or reference only.

(10) All written laws, unless therein otherwise expressly provided, extend to the whole of Grenada in their application.

(11) This Act does not exclude the application in any particular case of a rule of interpretation not referred to in this Act, but if this Act applies in the particular case the rule is applicable subject to this Act.

### PART III

#### GENERAL PROVISIONS REGARDING WRITTEN LAWS

##### *A—Written Laws Generally*

Time when  
written law  
comes into  
operation

4. Where any written law or part of a written law came or comes into operation on a particular day, it shall be deemed to have come or shall come into operation immediately on the expiration of the day next preceding such day.

Reference to  
written law  
to include  
amendments

5. A reference in a written law to another written law or to any provision thereof shall be construed as a reference to that other written law or provision as for the time being amended.

##### *B—Acts of Parliament and Applied Law*

Commencement  
of Acts

6. (1) Subject to the provisions of subsection (2), an Act shall come into operation on the day on which it is published in the *Gazette*.

(2) If it is enacted in any Act, or in any other written law, that the Act or any provision thereof shall come or be deemed to have come into operation on some other day, the Act or, as the case may be, the provision shall come or be deemed to have come into operation accordingly.

Date of  
commencement  
to be  
written or  
printed on  
every Act

7. The date of the day upon which an Act shall come into operation, whether under the provisions of section 6(1) or according to an express provision contained in that Act, shall be written in ink by the Clerk of the House of Representatives on the original of that Act and printed on the copies thereof, in parentheses, immediately after the long title; but where according to an express provision contained therein, an Act is to come into operation on a date to be appointed, the words, "By Pro-

clamation", "By Order", or such other words as are appropriate, as the case may be, shall be so written and printed and shall be deemed to be part of the Act.

8. (1) Every Act shall be numbered and dated as of the year in which it is passed, the first Act in each year being numbered one.

Acts to be  
numbered  
and dated,  
etc.

(2) Notwithstanding subsection (1), where the assent of the Governor-General in pursuance of section 45 of the Constitution is not or cannot be obtained in the same year in which an Act is passed, the Act shall be numbered and dated as of the year in which the assent is given.

(3) An Act may be cited by its short title or by reference to the year in which it was enacted and its number among the Acts of that year or by the Chapter number given to it in a revised edition of the laws of Grenada; and the citation shall be made according to the short title, number or Chapter number used in copies of the Act printed by the Government Printer.

9. (1) Every Act shall be divided into sections.

Acts to be  
divided into  
sections, etc.

(2) A section of an Act has effect as a substantive enactment without any introductory words and shall be considered as always speaking.

10. Every Act is a public Act and, whether passed before or after the commencement of this Act, shall be judicially noticed as such unless the contrary is therein expressly provided.

Acts to be  
public and  
judicially  
noticed

11. The Preamble, if any, of an Act may be referred to for assistance in explaining the scope or object of that Act.

Construction  
of Preambles

12. The whole of any Schedule to an Act shall be construed and have effect as part of that Act.

Construction  
of Schedules

13. An applied law shall be read with such formal alterations as to names, localities, courts, officers, persons, moneys, penalties or otherwise as may be necessary to make the same applicable to the circumstances.

Applied law  
to be read  
with  
necessary  
modifications

*C—Repeal, Amendment and Expiry*

Repeated  
written law  
is not  
revived

**14.** Where any written law repealing in whole or in part any former written law is itself repealed, such last repeal shall not revive the written law or the provisions before repealed unless words are added reviving such written law or provisions.

Repeal of  
amended  
written law  
to include  
amendments

**15.** Where any written law which has been amended by any other written law is itself repealed, such repeal shall, unless a contrary intention appears, include the repeal of all those provisions of other written laws by which such first-mentioned written law has been amended.

Repeal and  
substitution

**16.** Where any written law wholly or partially repeals any former written law and substitutes provisions for the written law repealed, the repealed written law shall remain in force until the substituted provisions come into operation.

Provisions  
respecting  
amended  
written law,  
and effect of  
repealing  
written law

**17.** (1) Where in any written law a reference is made to another written law, such reference shall, except where the context otherwise requires, be deemed to include a reference to such last-mentioned written law as the same may from time to time have been amended.

(2) Where a written law repeals and re-enacts, with or without modification, any provision of a former written law, references in any other written law to the provision so repealed shall, unless a contrary intention appears, be construed as references to the provision so re-enacted.

(3) Where a written law repeals wholly or partially any other written law, then, unless a contrary intention appears, the repeal shall not—

- (a) revive anything not in force or existing at the time at which the repeal takes effect; or
- (b) affect the previous operation of any written law so repealed or anything duly done or suffered under any written law so repealed; or
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any written law so repealed; or
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any written law so repealed; or

(e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing written law had not been made.

**18.** Where one written law amends another written law, the amending written law shall, so far as it is consistent with the tenor thereof, and unless a contrary intention appears, be construed as one with the amended written law.

Construction  
of amending  
written law  
with  
amended  
written law

**19.** Upon the expiry of any written law, the provisions of section 17(3) shall apply as if such written law had been repealed.

Effect of  
expiry of  
written law

**20.** Where any Act or part of an Act is repealed, subsidiary legislation issued under or made by virtue thereof shall, unless a contrary intention appears, remain in force so far as it is not inconsistent with the repealing Act until it has been revoked or repealed by subsidiary legislation issued or made under the provisions of such repealing Act, and shall be deemed for all purposes to have been made thereunder.

Effect of  
repeal of Act  
on subsidiary  
legislation

#### *D—Subsidiary Legislation*

**21.** All subsidiary legislation shall, unless it is otherwise expressly provided in any written law, be published in the *Gazette* and shall come into operation on the day of such publication or, if it is enacted either in the subsidiary legislation or some other written law that such subsidiary legislation shall come into operation on some other day, on that day, subject to annulment where applicable.

Publication  
and  
commencement  
of  
subsidiary  
legislation

**22.** Any subsidiary legislation may be made to operate retrospectively to any date, not being a date earlier than the commencement of the written law under which such subsidiary legislation is made, but so, however, that no person shall be made or become liable to any penalty whatsoever in respect of any act committed or of the failure to do anything before the day on which such subsidiary legislation is published in the *Gazette*.

Retrospective  
operation of  
subsidiary  
legislation

**Construction  
of subsidiary  
legislation**

**23.** Where any Act confers power to make any subsidiary legislation, expressions used in the subsidiary legislation shall, except where a contrary intention appears, have the same respective meanings as in the Act conferring the power, and any reference in such subsidiary legislation to ‘‘the Act’’ shall mean the Act conferring the power to make the subsidiary legislation.

**References to  
written laws  
to include  
subsidiary  
legislation  
thereunder**

**24.** Any reference to a written law in any other written law shall include a reference to any subsidiary legislation made under the written law to which reference is made.

**General  
provisions  
with respect  
to power to  
make  
subsidiary  
legislation**

**25.** Where an Act confers power on any authority to make subsidiary legislation, the following provisions shall, unless a contrary intention appears, have effect with reference to the making of such subsidiary legislation—

- (a) when any subsidiary legislation purports to be made or issued in exercise of a particular power or powers, it shall be deemed also to be made or issued in exercise of all other powers thereunto enabling;
- (b) no subsidiary legislation shall be inconsistent with the provisions of any Act;
- (c) subsidiary legislation may at any time be amended by the authority for the time being lawfully empowered or authorized to make or issue such subsidiary legislation and in the same manner by and in which it was made.

Provided that where such authority has been replaced wholly or in part by another authority, the power conferred hereby upon the original authority may be exercised by the replacing authority concerning all matters or things within its jurisdiction as if it were the original authority.

- (d) where any Act confers power on any authority to make subsidiary legislation for any general purpose, and also for any special purposes incidental thereto, the enumeration of the special purposes shall not be deemed to derogate from the generality of the powers conferred with reference to the general purpose;
- (e) there may be annexed to the breach of any subsidiary legislation such penalty, not exceeding ten thousand dollars or such term of imprisonment not exceeding two years,

months, or both such fine and such imprisonment, as the authority making the legislation may think fit.

**26.** (1) All rules and regulations made under any Act shall, unless a contrary intention appears in the Act, be laid before the House of Representatives without unreasonable delay, and if a resolution is passed by the House at the next meeting held after the meeting at which any such rule or regulation is so laid that the rule or regulation be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder, or to the making of any new rule or regulation.

Rules and regulations to be laid before House of Representatives

(2) Subsection (1) does not apply to any rules or regulations a draft of which is laid before the House of Representatives and is approved by resolution before the making thereof, nor to any rules of court.

Meaning of "subject to affirmative resolution"

(3) The requirement in any Act that rules or regulations, or other subsidiary legislation made under the Act, shall be "subject to affirmative resolution" means that such rules, regulations or other subsidiary legislation shall not come into effect after having been duly made by the appropriate authority unless and until they have been approved by a resolution of the House of Representatives and, after having been so approved, they have then been published in the *Gazette*.

Meaning of "subject to negative resolution"

(4) The requirement in any Act that rules or regulations, or other subsidiary legislation made under the Act, shall be "subject to negative resolution" means that such rules, regulations or other subsidiary legislation shall come into effect in accordance with section 21 if duly made by the appropriate authority and published in the *Gazette*, but shall nevertheless be subject to the passing of a resolution such as is mentioned in subsection (1) of this section as therein provided.

(5) In this section, "rules" and "regulations" mean respectively those forms of subsidiary legislation which may be cited as rules or regulations, as the case may be.

Fees

**27.** (1) Where any Act confers power on any person to make subsidiary legislation, and provision may be made by such subsidiary legislation in respect of fees or other charges, such

subsidiary legislation may provide for all or any of the following matters—

- (a) specific fees or charges;
- (b) maximum or minimum fees or charges;
- (c) maximum and minimum fees and charges;
- (d) the payment of fees or charges either generally or under specified conditions or in specified circumstances; and
- (e) the reduction, waiver or refund, in whole or in part, of any such fees or charges, either upon the happening of a certain event or in the discretion of a specified person.

(2) Where any reduction, waiver or refund, in whole or in part, of any fee or charge is provided for, such reduction, waiver or refund may be expressed to apply or be applicable either generally or specifically—

- (a) in respect of certain matters or transactions or classes of matters or transactions;
- (b) in respect of certain documents or classes or documents;
- (c) when any event happens or ceases to happen;
- (d) in respect of certain persons or classes of persons; or
- (e) in respect of any combination of such matters, transactions, documents, events or persons,

and may be expressed to apply or be applicable subject to such conditions as may be specified in the subsidiary legislation or in the discretion of any person specified therein.

Exercise of  
powers  
between  
publica-  
tion and  
commencement of Act

**28.** Where an Act is not to come into operation immediately on the publication thereof and confers power to make any appointment, to make any subsidiary legislation, to prescribe forms or to do any other thing for the purposes of the Act, such power may, unless a contrary intention appears, be exercised at any time after the publication of the Act, so far as may be necessary or expedient for the purpose of bringing the Act into operation on the day of the commencement thereof, but so, however, that any instrument made in exercise of such power shall not, unless a contrary intention appears in the Act or the contrary is necessary for bringing the Act into operation, come into operation until the Act comes into operation.

29. An act shall be deemed to be done under an Act or by virtue of the powers conferred by an Act or in pursuance or execution of the powers of or under the authority of an Act if it is done under or by virtue of or in pursuance of subsidiary legislation made under any power contained in that Act.

Acts done  
under  
subsidiary  
legislation  
deemed done  
under Act  
that author-  
izes it

#### *E—Transfer and Delegation of Statutory Powers and Duties*

30. (1) Where by any Act the exercise of a power or the performance of a duty is conferred upon or is vested in the Governor-General, it shall be lawful for the Governor-General, by Order, to transfer the exercise of that power or the performance of that duty to any Minister.

Provision for  
transfer of  
statutory  
powers and  
duties

(2) The powers transferable by an Order made under this section shall include a power to make rules.

(3) The draft of every Order to be made under this section shall be laid before the House of Representatives, and shall be approved by resolution of the House, before it is submitted to the Governor-General, and if the House resolves that the draft be not so submitted no further proceedings shall be taken thereon, but without prejudice to the laying of a new draft before the House.

(4) An Order made under this section may be varied by a subsequent Order made in like manner and subject to the like conditions.

(5) Any Order made under this section may make such amendments to the Act in respect of which the Order is made, being amendments consequential upon the transfer by such Order of the exercise of any power or the performance of any duty, as may be necessary for carrying such Order into effect.

(6) Where an Order is made under this section, any Act in respect of which the Order is made shall thereafter be read and construed in all respects as if the same were amended in conformity with the terms of the Order.

Provision for execution of duties of Minister or public officer during temporary absence or inability

**31.** Where, by or under an Act, any powers are conferred or any duties are imposed upon a Minister or a public officer the Governor-General, in the case of a Minister, or the Minister; in the case of a public officer, may direct that, if from any cause the office of such Minister or public officer is vacant, or if during any period owing to absence or inability to act from illness or any other cause such Minister or public officer is unable to exercise the powers or perform the duties of his office, such powers shall be had and may be exercised and such duties shall be performed by a Minister designated by the Governor-General or by a person named by, or by the public officer holding any office designated by, the Minister; and thereupon such Minister, or such person or such public officer, during any such period, shall have and may exercise the powers and shall perform the duties aforesaid, subject to such conditions, exceptions and qualifications as the Governor-General or the Minister, as the case may be, may direct.

Delegation of powers

**32.** Where by an Act the exercise of any power or the performance of any duty is conferred upon or is vested in the Governor-General, the Attorney-General or a Minister, it shall be lawful for the Governor-General, the Attorney-General or the Minister, as the case may be, unless by law expressly prohibited from so doing, to delegate, by notice in the *Gazette*, to any person by name, or to the person for the time being holding any office specified in the notice, the exercise of such power or the performance of such duty, subject to such conditions, exceptions or qualifications as the Governor-General, the Attorney-General or the Minister, as the case may be, may specify in the notice.

## PART IV

### GENERAL PROVISIONS REGARDING POWERS, DUTIES AND APPOINTMENTS AND THE EXERCISE AND SIGNIFICATION THEREOF

Powers and duties to be exercised and performed from time to time, etc.

**33. (1)** Where any written law confers any power or imposes any duty, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion arises.

(2) Power conferred to do any act or thing, or to make any appointment, may be exercised as often as is necessary to correct any error or omission in any previous exercise of the power.

**34.** Where any written law confers any power or imposes any duty on the holder of an office as such, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed by the person for the time being holding that office.

Powers and duties of holder of office

**35.** Where the Governor-General, a Minister, a public officer or a public body is empowered by a written law to appoint a person to perform any functions or hold any office, he or it may either appoint a person by name or appoint the holder of a named office to perform the functions or hold the office in question.

Power to appoint by name or office

**36.** In this Act and in any other written law, instrument, warrant or process of any kind, any reference to a person holding an office shall include a reference to any person for the time being lawfully discharging the functions of that office.

Reference to holder of office includes person discharging functions of that office

**37.** (1) Whenever the title of any public officer is changed the Governor-General may, by notice in the *Gazette*, declare that for the purposes of all written laws the title of the officer shall be replaced by the new title specified in the notice.

Change of title of public officer

(2) Where a notice is published under subsection (1), any written law containing a reference to the title which is changed shall be deemed to have been amended by the substitution, for that reference, of a reference to the new title.

**38.** (1) Where the substantive holder of any public office constituted by or under any written law is on leave of absence pending relinquishment by him of such office, or has been instructed by the Public Service Commission or other appropriate body to take up a special duty or is otherwise absent, it shall be lawful for another person to be appointed substantively to the same public office.

Power to appoint substantively pending retirement, etc., of existing office-holder

(2) Where two or more persons are holding the same office by reason of an appointment made in accordance with subsection (1), then, for the purposes of all written laws and in respect

of every power conferred and duty imposed upon the holder of that office, the person last appointed to the office shall be deemed to be the holder thereof.

Construction  
of enabling  
words

**39.** Where a written law confers power upon a person to do or enforce the doing of any act or thing, all such powers shall be deemed to be also conferred as are necessary to enable that person to do or to enforce the doing of that act or thing.

Signification  
of the  
exercise or  
performance  
of functions

**40.** (1) The fact of the exercise or performance by the Governor-General of a function conferred or imposed on him by a written law may, unless a contrary intention appears, be signified under the hand of the Prime Minister or the Secretary to the Cabinet.

(2) The fact of the exercise or performance by a Minister of a function conferred or imposed on him by a written law may, unless a contrary intention appears, be signified under the hand of the Secretary to the Cabinet or the Permanent Secretary for the time being responsible to that Minister.

Power of  
majority to  
act

**41.** Where any act or thing may or is required to be done by more than two persons under a written law, a majority of them may do it unless otherwise expressly provided by that written law.

Exercise of  
powers of  
Registrar

**42.** Where, by or under any written law, anything is appointed or allowed to be done by the Registrar, the same may also be lawfully and for all purposes effectually done by any person duly appointed as Deputy Registrar or Assistant Registrar.

Power to  
appoint  
includes  
power to  
suspend,  
dismiss, etc.,  
and to  
reappoint,  
etc.

**43.** Where by or under any written law, a power or duty is conferred or imposed upon any person to make any appointment or to constitute or establish any board, commission, committee or similar body, then, unless a contrary intention appears, the person having such power or duty shall also have the power to remove, suspend, dismiss or revoke the appointment of, and to reappoint or reinstate, any person appointed in the exercise of the power or duty, or to revoke the appointment, constitution or establishment of, or dissolve, any board, commission, committee or similar body appointed, constituted or established in exercise of such power or duty, and to reappoint, reconstitute or re-establish the same:

Provided that where the power or duty of such person so to act is exercisable only upon the recommendation, or is subject to the approval or consent, of some other person, then such power shall, unless a contrary intention appears, be exercisable only upon such recommendation or subject to such approval or consent.

**44.** Where, by or under any written law, power is given to any person to appoint any persons to be members of any board, commission, committee or similar body, it shall be lawful for such person, unless a contrary intention appears, so to appoint any public officer by his official designation, and on such appointment and until such appointment is revoked or otherwise determined, the person for the time being holding the office in question shall be a member of such board, commission, committee or similar body.

Power to  
appoint  
public officer  
to serve on  
board, etc.

**45.** Where, by or under any written law, power is given to any person to appoint any board, commission, committee or similar body, it shall be lawful for such person unless a contrary intention appears, to appoint a chairman, a deputy chairman, a vice-chairman and a secretary of such board, commission, committee or similar body.

Power to  
appoint  
chairman,  
etc., of  
board, etc.

**46.** Where, by or under any written law, any board, commission, committee or similar body, whether corporate or unincorporate, is established, then, unless a contrary intention appears, any person who is by such written law empowered to appoint any or all of the members thereof may—

Power to  
appoint  
alternate or  
temporary  
members

- (a) appoint one or more duly qualified persons to be alternate members of the same, and any one such alternate member may attend any meeting of the same when a substantive member is temporarily unable to attend;
- (b) appoint a duly qualified person to be a temporary member of the same in the place of any substantive member who is precluded by illness, absence from Grenada or other cause from exercising his functions as such,

and when attending any meeting of such board, commission, committee or similar body, such alternate or temporary member shall be deemed for all purposes to be a member of the same.

Powers of  
board, etc.,  
not affected  
by vacancy,  
etc.

47. Where, by or under any written law, any board, commission, committee or similar body, whether corporate or unincorporate, is established, then, unless a contrary intention appears, the powers thereof shall not be affected by—

- (a) any vacancy in the membership thereof; or
- (b) any defect afterwards discovered in the appointment or qualification of a person purporting to be a member thereof.

Affixing of  
common seal

48. Where, by or under any written law, any board, commission, committee or similar body is constituted to be a body corporate having perpetual succession and a common seal, and any document requires to be sealed with such common seal, then, in the absence of express provision to the contrary, such common seal shall be affixed by the chairman and shall be authenticated by his signature.

General  
provisions  
relating to  
bodies  
corporate

49. (1) Where, by or under any written law enacted after the commencement of this Act, a body corporate is constituted or established, then, such body corporate—

- (a) shall have perpetual succession and a common seal;
- (b) may sue and be sued in its corporate name;
- (c) may acquire, hold and dispose of movable and immovable property; and
- (d) may do all other things necessary for or incidental to the purposes for which it is constituted or established, unless such or any other written law expressly otherwise provides.

(2) The design of the seal of a body corporate constituted or established by an Act shall, unless a contrary intention appears, be as determined by the body corporate.

(3) The seal of a body corporate constituted or established by an Act shall be kept in such custody as the body corporate directs and shall not be used except as authorized by the body corporate.

(4) All courts, Judges and persons acting judicially shall take judicial notice of the seal of a body corporate constituted or established by an Act affixed to a document and shall presume that the seal was duly affixed.

(5) A provision of a written law requiring a document to be signed is complied with by a body corporate constituted by an Act if the document is sealed by the body corporate.

## PART V

### GENERAL PROVISIONS REGARDING TIME

50. (1) The standard time of Grenada shall be five hours later <sup>Time</sup> than Greenwich Mean Time.

(2) Where an expression of time occurs in any written law, instrument, warrant or process of any kind, the time referred to shall, unless it is otherwise expressly provided, signify the standard time of Grenada.

51. (1) In computing time for the purposes of any written law, unless otherwise provided— <sup>Computation of time</sup>

- (a) a period reckoned by days from the happening of an event, or the doing of any act or thing, is exclusive of the day upon which the event occurs or the act or thing is done;
- (b) where a period is expressed to begin or to end at, on or with a specified day or to continue to or until a specified day, the period shall not include that day;
- (c) where a period is expressed to begin after or to be from a specified day, the period shall not include that day;
- (d) if the last day of a period is an excluded day, the period includes the next following day not being an excluded day;
- (e) where an act or proceeding is required or permitted to be done or taken on a certain day, then, if that day happens to be an excluded day the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards not being an excluded day;
- (f) where an act or proceeding is required or permitted to be done or taken within a period not exceeding six days, an excluded day shall not be reckoned in the computation of the period.

(2) For the purposes of subsection (1) "excluded day" means a Sunday or bank holiday.

Provisions  
where no  
time is  
prescribed

**52.** Where in any written law no specified time is allowed or prescribed within which any act or thing shall be done, such act or thing shall be done without unreasonable delay, and as often as due occasion arises.

Construction  
of power to  
extend time

**53.** Where a court or other authority is empowered by any written law to extend the period of time within which any act or proceeding is permitted or required to be done or taken, then, unless a contrary intention appears, the power may be exercised notwithstanding that the period of time has then expired.

## PART VI

### GENERAL PROVISIONS REGARDING LEGAL PROCEEDINGS AND PENALTIES

Evidence of  
signature of  
Governor-  
General,  
Minister,  
Attorney-  
General or  
Director of  
Public  
Prosecutions

**54.** Where the consent of the Governor-General, a Minister, the Attorney-General or the Director of Public Prosecutions is necessary before any prosecution or action is commenced, any document purporting to bear the consent of the Governor-General, a Minister, the Attorney-General or the Director of Public Prosecutions shall be received as *prima facie* evidence in any proceedings without proof being given that the signature to such consent is that of the Governor-General, a Minister, the Attorney-General or the Director of Public Prosecutions.

Imposition of  
penalty no  
bar to civil  
proceedings

**55.** The imposition of a penalty or fine by or under the authority of a written law shall not, in the absence of an express provision to the contrary, relieve any person from liability to answer for damages to any person injured.

Provision as  
to offences  
under two or  
more written  
laws

**56.** Where an act or an omission constitutes an offence under two or more written laws the offender shall, unless a contrary intention appears, be liable to be prosecuted and punished under any of such laws but he shall not be liable to be punished twice for the same offence.

Amendment  
of penalty

**57.** Where an act or omission constitutes an offence and the penalty for that offence is amended between the time of the commission of the offence and the conviction therefor, the offender shall, in the absence of express provision to the contrary, be

liable to the penalty prescribed at the time of the commission of that offence.

**58.** (1) Where in any written law a penalty is prescribed for an offence then, unless a contrary intention appears, the offence is punishable by any such penalty not exceeding the penalty prescribed.

Prescribed penalties to be maximum penalties but may be cumulative

(2) Where in any written law more than one penalty is prescribed for an offence, the use of the word "and" to link such penalties shall, unless a contrary intention appears, mean that the penalties may be inflicted alternatively or cumulatively.

**59.** (1) Where any animal or thing is by any written law declared, or under any written law is adjudged by a court or other authority, to be forfeited it shall, in the absence of express provision to the contrary, be forfeited to the Government and the net proceeds thereof, if it is ordered by a competent authority to be sold, shall be paid into the Consolidated Fund unless other provision is made.

Disposal of forfeits

(2) Nothing in this section shall affect a provision in any written law whereby any portion of a fine or forfeit or of the proceeds of a forfeit is expressed to be recoverable by any person or may be granted by any authority to any person.

**60.** Any fine or penalty imposed by or under the authority of any written law shall, in the absence of express provision to the contrary, be paid into the Consolidated Fund.

Disposal of fines and penalties

**61.** (1) Where, in any written law, a court is empowered to impose a fine for an offence it may, in the absence of express provision to the contrary in the same or any other written law, order a person who is convicted of the offence, in default of payment of the sum of money adjudged to be paid by the order, either forthwith or at the time specified in the order, as the case may be, to be imprisoned.

Scale of imprisonment in default of payment of fine, etc.

(2) Subject in every case to the provisions of the written law on which any order is founded the period of imprisonment which is imposed by a court in respect of the payment of any sum of money adjudged to be paid by an order shall be determined in accordance with the following scale and shall be such period as in the opinion of the court will satisfy the justice of the case—

<i>Where the amount unpaid</i>	<i>The period shall not exceed</i>
Does not exceed twenty-five dollars ... ... ...	... One month
Exceeds \$25 and does not exceed \$50 ... ...	... Two months
Exceeds \$50 and does not exceed \$100 ... ...	... Three months
Exceeds \$100 and does not exceed \$300 ... ...	... Four months
Exceeds \$300 and does not exceed \$500 ... ...	... Five months
Exceeds \$500 and does not exceed \$1000 ... ...	... Six months
Exceeds \$1000 and does not exceed \$2000 ... ...	... Twelve months
Exceeds \$2000 and does not exceed \$5000 ... ...	... Eighteen months
Exceeds \$5000 and does not exceed \$10,000 ... ...	... Two years
Exceeds ten thousand dollars	... Three years

(3) The court by whose order any sum of money is adjudged to be paid may, if it thinks fit, do all or any of the following—

- (a) allow time for payment;
- (b) direct payment to be made by instalments;
- (c) direct that the person liable to pay shall be at liberty to give, to the satisfaction of the court, security, either with or without surety, for the payment of the sum or of any instalment thereof.

(4) Where a sum is directed to be paid by instalments and default is made in the payment of any one instalment the same proceedings may be taken as if default had been made in the payment of all the instalments then remaining unpaid.

(5) In this section “court” means either a magistrate’s court in the exercise of its criminal jurisdiction in respect of summary offences or the High Court in the exercise of its criminal jurisdiction, according to the nature of the particular case.

## PART VII

### GENERAL MISCELLANEOUS PROVISIONS

**62.** A copy of the *Gazette* purporting to have been printed by the Government Printer and containing any written law or notice is *prima facie* evidence in all courts and for all purposes of the due making and tenor of such written law or notice.

*Gazette to be prima facie evidence*

**63.** Where any written law confers a power to issue any licence, permit or authorization, then, unless a contrary intention appears, such licence, permit or authorization may be issued subject to such conditions not inconsistent with that law as the authority issuing it deems expedient.

*Power to issue licence, etc., subject to conditions*

**64.** (1) Where any person, public officer or local authority is required to do anything for which a fee is to be paid or a charge made under any written law, such person, public officer or local authority may decline to do that thing until the fee is paid or until payment of the charge is made or, where the precise amount of the payment to be made cannot be ascertained until the thing has been done, until there has been paid such amount as may be estimated to be the correct amount by the person or public officer or the responsible officer of the local authority who is required to do the thing.

*Thing for which payment required need not be performed until payment is made*

(2) Where a thing has been done for which an estimated amount has been paid, such amount shall be adjusted to the correct amount either by means of a further payment or by a refund of the amount overpaid.

**65.** Save as is otherwise expressly provided, whenever any form is prescribed by any written law, an instrument or document which purports to be in such form shall not be void by reason of any deviation therefrom that does not affect the substance of such instrument or document and is not calculated to mislead.

*Deviation from forms*

**66.** (1) The Attorney-General may, by Order published in the *Gazette*, rectify any grammatical or typographical errors appearing in any written law and for that purpose may make any alteration, deletion or addition of words but not so as to affect the meaning of such written law.

*Rectification of errors in written laws*

(2) Every Order made in pursuance of subsection (1) shall be laid before the House of Representatives without unreasonable delay and if a resolution is passed by the House at the next meeting held after the meeting at which the Order is 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.

Service of documents and notices

67. (1) A document or notice required or permitted to be served on or given to a person under or for the purposes of a written law may, unless the written law expressly otherwise provides, be served or given—

- (a) in the case of an individual (except where paragraph (b) or (c) applies) by serving it personally upon the individual or by sending it by post to him at his usual or last known place of abode or business;
- (b) in the case of a public officer as such, by serving it personally upon him or by leaving it at or by sending it by post to him at the principal office where he exercises or performs his duties;
- (c) in the case of a partnership—
  - (i) by serving it personally upon a partner or the person having the control or management of the partnership or by sending it by post to him at his usual or last known place of abode; or
  - (ii) by leaving it at or by sending it by post to the principal office of the partnership;
- (d) in the case of a body, whether corporate or unincorporate, constituted or established by an Act, by leaving it at or by sending it by post to the principal office of the body or any other office specified by the body as being one at which it will accept service of documents or notices of that same or a similar kind.

(2) For the purposes of subsection (1)(c) and (d), the principal office of a partnership carrying on business outside Grenada and of a company registered outside Grenada is its principal office within Grenada.

(3) Where a document or notice is required or permitted under or for the purposes of a written law to be served on, or given

to, a person as being the person having an interest in land and it is not practicable after reasonable inquiry to ascertain that person's name or address, the document or notice may be served or given—

- (a) by addressing it to that person by the description of the person having that interest in the land (naming it); and
  - (b) by delivering the document or notice to some responsible person on the land or affixing it, or a copy of it, in a conspicuous position on the land.
- (4) Where a document or notice is sent by post pursuant to subsection (1), service or notice shall be deemed to have been effected or given, unless the contrary is proved, at the time at which the document or notice would be delivered in the ordinary course of post.

## PART VIII

### GENERAL PROVISIONS REGARDING THE CROWN AND THE GOVERNMENT

**68.** No Act of Parliament or subsidiary legislation shall in any manner whatsoever affect the rights of the Crown, or of the Government, unless it is therein expressly provided, or unless it appears by necessary implication that the Crown, or the Government, is bound thereby.

Saving of the  
rights of the  
Crown and  
of the  
Government

**69.** This Act binds the Government.

This Act  
binds the  
Government