



I assent.

[L.S.]

K. K. T. MARA
President

[20 April 1998]

AN ACT

TO AMEND THE INTERPRETATION ACT

ENACTED by the Parliament of Fiji—

Part 1—PRELIMINARY

Short title, etc.

- 1.—(1) This Act may be cited as the Interpretation (Amendment) Act 1998.
- (2) The Interpretation Act (Cap.7) is in this Act referred to as the Principal Act.

Commencement

2. This Act commences on a date appointed by the Minister and published in the *Gazette*.

Part 2—AMENDMENTS OF PRINCIPAL ACT

Interpretation

3. Section 2 of the Principal Act is amended—
 - (a) by omitting from subsection (1) the definition of “Acting President”;

(b) by omitting from subsection (1) the definition of “alien” and substituting the following definition—

“ ‘alien’ means a person who is not a citizen of the State;” ;

(c) by omitting from the definition of “barrister and solicitor” in subsection (1) “Supreme Court of Fiji, the Fiji Court of Appeal,” and substituting “Supreme Court, the Court of Appeal,”;

(d) by omitting from subsection (1) the definition of “Cabinet” and substituting the following definition—

“ ‘Cabinet’ means the Cabinet referred to in the Constitution;” ;

(e) by omitting from subsection (1) the definition of “Consolidated Fund” and substituting the following definitions—

“ ‘Consolidated Fund’ means the Consolidated Fund specified in section 176 of the Constitution;

‘Constitution’ means the Constitution Amendment Act 1997;”;

(f) by inserting in subsection (1) after the definition of “court” the following definition—

“ ‘Court of Appeal’ means the Court of Appeal referred to in Chapter 9 of the Constitution;”;

(g) by omitting from subsection (1) the definitions of “Fiji” and “Fiji Court of Appeal” and substituting the following definition—

“ ‘Fiji’ or ‘Fiji Islands’ means the Fiji Islands as defined in subsection 194(1) of the Constitution;”;

(h) by omitting from subsection (1) the definition of “Government” and substituting the following definition—

“ ‘Government’ means the Government of the State;”;

- (i) by omitting from subsection (1) the definitions of “imperial enactment” and “Imperial Parliament” and substituting the following definitions—

“ ‘High Court’ means the High Court referred to in Chapter 9 of the Constitution;

‘House of Representatives’ means the House of Representatives established under the Constitution;”;

- (j) by omitting from subsection (1) the definition of “judge” and substituting the following definition—

“ ‘judge’ means a judge of the High Court (including the Chief Justice), a Justice of Appeal (including the President of the Court of Appeal) or a judge of the Supreme Court and includes an acting judge;”;

- (k) by omitting “of Fiji” from the definition of “officer” in subsection (1);

- (l) by omitting from subsection (1) the definitions of “Order in Council” and “Ordinance” ;

- (m) by omitting “of Fiji” from the definition of “Parliament” in subsection (1) and substituting “of the Fiji Islands”;

- (n) by omitting from subsection (1) the definitions of “President”, “Prime Minister” and “Privy Council” and substituting the following definitions—

“ ‘President’ means the President of the State ;

‘Prime Minister’ means the Prime Minister appointed under the Constitution;”;

- (o) by omitting from subsection (1) the definition of “Secretary of State” and substituting the following definitions—

“ ‘Secretary’ means a person, whether designated as Permanent Secretary, Secretary or otherwise, who is responsible for the management of a Department of State;

‘Senate’ means the Senate established under the Constitution;”;

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- (p) by omitting from the definition of “State” in subsection (1) “of Fiji” and substituting “of the Fiji Islands”; and
- (q) by omitting from subsection (1) the definition of “Supreme Court” and substituting the following definition—

“ ‘Supreme Court’ means the Supreme Court referred to in Chapter 9 of the Constitution;”.

Amendments in relation to certain expressions

4. Section 3 of the Principal Act is amended by repealing paragraph (h).

Insertion of new section

5. After section 20 of the Principal Act the following section is inserted—

“Definitions inserted by amending Act

- 20A. If an amending Act inserts a definition in a provision of the Act being amended but does not specify the position in that provision where it is to be inserted, it is deemed to be inserted in the appropriate alphabetical position.”.

Insertion of new sections

6. After section 30 of the Principal Act the following sections are inserted—

“Delegations

- 31A. When an Act confers power to delegate a function or power, then, unless the contrary intention appears, the power of delegation is not to be construed as being limited to delegating the function or power to a specified person but is to be construed as including a power to delegate the function or power to any person from time to time holding, occupying or performing the duties of, a specified office or position.

Effect of delegation

- 31B. When an Act confers power on a person or body (authority) to delegate a function or power—
- (a) the delegation may be made either generally or as otherwise provided by the instrument of delegation;
 - (b) the powers that may be delegated do not include that power to delegate;
 - (c) a function or power so delegated, when performed or exercised by the delegate, is, for the purposes of the Act, to be taken as having been performed or exercised by the authority;

- (d) a delegation by the authority does not prevent the performance or exercise of a function or power by the authority; and
- (e) if the authority is not a person, section 31C applies as if it were.

Exercise of certain functions and powers by a delegate

- 31C.** When, under any Act, the performance of a function or the exercise of a power by a person is dependent upon the opinion, belief or state of mind of the person in relation to a matter and the function or power has been delegated in pursuance of that Act, the function or power may be performed or exercised by the delegate upon the opinion, belief or state of mind of the delegate in relation to that matter.”.

Evidence of signature of President, Prime Minister, Minister, etc.

7. Section 55 of the Principal Act is amended by omitting “Head of State and Executive Authority of Fiji Decree 1988” (wherever occurring) and substituting “Constitution”.

Insertion of new section

8. After section 60 of the Principal Act the following section is inserted—

“Penalties

60A.—(1) Except so far as the contrary intention appears, a penalty, whether pecuniary or otherwise, set out—

- (a) at the foot of any section of an Act; or
- (b) at the foot of any subsection of any section,

indicates that any contravention of the section or subsection, as the case may be, is an offence against the Act, punishable upon conviction by a penalty not exceeding the penalty so set out.

- (2) Subsection (1) applies to an instrument made under an Act (including regulations, rules or by-laws) as if the instrument were an Act and as if each such regulation, rule or by-law were a section of an Act.”.

Passed by the House of Representatives this Ninth day of March, in the year of our Lord One Thousand, Nine Hundred and Ninety-Eight

Passed by the Senate this First day of April, in the year of our Lord One Thousand, Nine Hundred and Ninety-Eight.