



FIJI REPUBLIC GAZETTE

PUBLISHED BY AUTHORITY OF THE GOVERNMENT OF THE REPUBLIC OF FIJI

Vol. 3

WEDNESDAY, 13th DECEMBER 1989

No. 70

GOVERNMENT OF THE REPUBLIC OF FIJI DECREE NO. 35

INTERPRETATION (AMENDMENT) DECREE, 1989

A DECREE TO AMEND THE INTERPRETATION ACT

IN exercise of the powers vested in me as President and Commander-in-Chief of the Republic of Fiji, I, acting in accordance with the advice of the Prime Minister and the Cabinet, hereby make the following Decree—

Short title, etc.

- 1.—(1) This Decree may be cited as the Interpretation (Amendment) Decree, 1989.
- (2) In this Decree, the Interpretation Act (Cap. 7) is referred to as “the principal Act”.

Section 2 amended

2. Subsection (1) of section 2 of the principal Act is amended by—

- (a) inserting in the definition of “Act” after the word ‘Ordinance’, the words “and a Decree”;
- (b) by inserting after the definition of “Act”, the following—
“ “Acting President” means the person for the time being appointed to perform the functions of the office of President under section 4 of the Head of State and Executive Authority of Fiji Decree, 1988;”;
- (c) by repealing the definition of “barrister and solicitor” and substituting—
“ “barrister and solicitor” means a person entitled to practice as such in the Supreme Court of Fiji, the Fiji Court of Appeal, the High Court or courts subordinate thereto under the provisions of the law for the time being applicable to legal practitioners;”;
- (d) by repealing the definition of “Cabinet” and substituting—
“ “Cabinet” means the Cabinet established by and under the Head of State and Executive Authority of Fiji Decree, 1988, and includes the Prime Minister;”;
- (e) by repealing the definition of “Consolidated Fund” and substituting—
“ “Consolidated Fund” means the Consolidated Fund specified in section 2 of the Finance Decree, 1988;”;
- (f) by repealing the definition of “Constitution”;
- (g) by repealing the definition of “Court of Appeal” and inserting after the definition of “Fiji” the following—
“ “Fiji Court of Appeal” means the Fiji Court of Appeal established by section 2 of the Judicature Decree, 1988 or any court substituted therefor for the hearing and determining of appeals from the High Court;”;
- (h) by repealing the definition of “Crown Land”;
- (i) by inserting before the definition of “definition” the following—
“ “Decree” means a Decree made by the President in exercise of all the powers thereto enabling and includes a Decree made before December 5, 1987 by the Commander and Head of the Fiji Military Government in exercise of all the powers thereto enabling;”;
- (j) by repealing the definition of “Gazette” and substituting—
“ “Gazette” means the *Fiji Republic Gazette* published by the order of the Government and includes supplements thereto and any *Extraordinary Gazette* so published;”;
- (k) by deleting in the definition of “general notice” the word “Governor-General” and substituting the word “President”;

- (l) by deleting in the definition of "Government Printer" the word "Governor-General" and substituting "President";
- (m) by repealing the definition of "Governor-General";
- (n) by repealing the definition of "House of Representatives";
- (o) by repealing the definition of "judge" and substituting
 "judge" means the Chief Justice of Fiji or any Justice of the Supreme Court, or any Justice of Appeal or any Judge of the High Court, and includes any person appointed temporarily to be or to act as such;";
- (p) by repealing the definition of "Parliament";
- (q) by inserting after the definition of "prescribed", the following—
 "President" means the President and Commander-in-Chief of Fiji appointed by section 4 of the Appointment of Head of State and Dissolution of Fiji Military Government Decree or pursuant to section 3 of the Head of State and Executive Authority Decree, 1988 and includes an acting President;
 "Prime Minister" means the Prime Minister appointed by section 2 of the Appointment of Prime Minister Decree or pursuant to section 7 of the Head of State and Executive Authority of Fiji Decree, 1988, and includes any person, for the time being appointed to perform the functions of the office of Prime Minister pursuant to section 15 of the Head of State and Executive Authority of Fiji Decree, 1988;";
- (r) by repealing the definition of the "Senate";
- (s) by inserting after the definition of "son" the following—
 "State" means the Republic of Fiji and in relation to any period prior to 7 October, 1987 includes the Crown in right of its Government of Fiji;";
- (t) by inserting after the definition of "State" the following—
 "State Land" has the same meaning as in the State Lands Act;";
- (u) by deleting in the definition of "statutory declaration" the words "of Parliament";
- (v) by repealing the definition of "Supreme Court" and substituting—
 "Supreme Court" means the Supreme Court of Fiji established by the Judicature Decree, 1988 or any court substituted therefor for the hearing and determining of appeals from the Fiji Court of Appeal;".

Section 3 amended

3. Section 3 of the principal Act is amended by—

- (a) deleting in paragraph (a) the word "Governor-General" and substituting the word "President";
- (b) by deleting the full-stop at end of paragraph (c) and substituting a semi-colon; and
- (c) inserting the following thereafter—
 "(d) where in any written law, instrument, document or legal proceeding in force, made or proceeding on 5 December, 1987, the word "Governor-General" is used or appears, it shall be replaced with the word "President";
 (e) where in any written law, instrument, document or legal proceeding in force, made or proceeding on 7 October, 1987, the word "Crown" is used or appears, it shall be replaced with the word "State";
 (f) where in any written law, instrument, document or legal proceeding in force, made or proceeding on 7 October 1987, there is any reference to the Sovereign reigning at the time of the enactment or the making of that written law such reference shall be construed from that date as a reference to the "State";
 (g) where in any written law, instrument, document or legal proceeding in force, made or proceeding on 4 December, 1987, the word "Supreme Court" is used or appears, it shall be replaced with the word "High Court";
 (h) where in any written law, instrument, document or legal proceeding in force, made or proceeding on 4 December 1987, the word "Court of Appeal" is used or appears, it shall be replaced with the word "Fiji Court of Appeal".

Section 5 amended

4. Section 5 of the principal Act is amended—

- (a) by deleting from subsection (1) the word "Governor-General" and substituting the word "President"
- (b) by inserting in subsection (1) after the word 'Act', the words "(other than a Decree)"; and

(c) by inserting the following after subsection (2)—

“(3) Subject to subsection (2), a Decree shall come into operation on the day on which it is made.

(4) For the avoidance of doubt, the word “Act” when used in subsection (2) includes references to a Decree.”.

Section 10 amended

5. Section 10 of the principal Act is amended by deleting from subsection (1) the word “Governor-General” and substituting the word “President”.

Section 23 amended

6. Section 23 of the principal Act is amended by—

(a) inserting after the words and symbols “the Act” appearing in the fourth line the words and symbols “or the Decree”; and

(b) after the word “Act” in the fifth line, the words “or the Decree”.

Section 29(3) repealed

7. Subsection (3) of section 29 of the principal Act is repealed and the following substituted—

“(3) The provisions of subsections (1) and (2) shall not apply to functions conferred upon or vested in—

(a) the President;

(b) any judge or any magistrate;

(c) any public officer performing judicial functions under the provisions of any Act;

(d) any public officer who under any written law is not under the control of any Minister;

(e) any public officer where appeal lies from a decision of a public officer to the Minister;

(f) any member of the Fiji Military Forces or any police officer.”

Section 30 amended

8.—(1) Section 30 of the principal Act is amended by replacing the word “Governor-General” wherever it appears in that section with the word “President”.

(2) Subsection (4) of section 30 of the principal Act is repealed and the following substituted—

“(4) Subject to the provisions of subsection (6) nothing in this section shall authorise the President or the Cabinet to delegate

(a) any power to make Decrees or to advise on the making thereof;

(b) any power to make proclamations;

(c) any power to issue warrants; or

(d) any function, the delegation of which is expressly prohibited by law.”.

Section 31 amended

9. Section 31 of the principal Act is amended by replacing the word “Governor-General” wherever it appears in that section with the word “President”.

Section 32 amended

10. Section 32 of the principal Act is amended—

(a) by replacing the word “Governor-General” wherever it appears in that section with the word “President”; and

(b) by inserting in the proviso to that section after the word ‘proclamations’ a comma and then the word ‘Decrees’.

Section 34 amended

11. Section 34 of the principal Act is amended by replacing the word “Governor-General” wherever it appears in that section with the word “President”.

Section 38 amended

12. Section 38 of the principal Act is amended by replacing the word “Governor-General” wherever it appears in that section with the word “President”.

Section 55 amended

13. Section 55 of the principal Act is amended—

- (a) by replacing the word "Governor-General" wherever it appears in that section with the word "President"; and
- (b) by deleting the word "Constitution" and substituting "Head of State and Executive Authority to Fiji Decree 1988"

Section 61 amended

14. Section 61 of the principal Act is amended by deleting the word "Crown" wherever it appears in that section and replacing it with the word "State".

Section 65(2) amended

15. Subsection (2) of section 65 of the principal Act is repealed and the following substituted—

"(2) Every order made under the provisions of this section shall be laid before the Cabinet without unreasonable delay and if a decision is taken by the Cabinet 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 any new order."

Section 69 repealed

16. Section 69 of the principal Act is repealed.

Section 70 amended

17. Section 70 of the principal Act is amended by deleting the word "Crown" wherever it appears in that section and replacing it with the word "State".

Section 71 amended

18. Section 71 of the principal Act is amended by deleting the word "Crown" wherever it appears in that section and replacing it with the word "State".

Dated this 4th day of December 1989.

PENAIA K. GANILAU
President and Commander-in-Chief