

NO. 52
STATUTORY INSTRUMENTS ACT, 1959

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NO. 52
STATUTORY INSTRUMENTS ACT, 1959(1)

AN ACT to amend the law relating to instruments made under statutory powers and to provide for related matters.

1. Commencement and repeals

(1) *Omitted.*2(2)

(2) Sections 4, 5, 8 and 17 of this Act shall come into operation on such date as the Attorney-General may by order appoint.3(3)

(3) Except where otherwise expressly provided, this Act shall apply in relation to Acts and statutory instruments whether passed or made before or after the passing of this Act.

(4) *Omitted.*4(4)

(5) *Omitted.*5(5)

2. Interpretation

In this Act, unless the context otherwise requires,

“**enactment**” means a provision contained in an Act, but does not include any provision laying down the legislative powers of Parliament;

“**instrument**” has its natural meaning and shall not be construed by reference to the definition contained in the Interpretation Act, 1960 (C.A. 4).

3. Statutory instruments

An instrument made, whether directly or indirectly, under a power conferred by an enactment shall be known as a statutory instrument.

4. Legislative instruments

(1) The Attorney-General may by legislative instrument declare that statutory instruments made under enactments specified in the instrument are legislative in character and of sufficient importance to justify separate publication.

(2) Statutory instruments made under enactments specified under subsection (1) or under powers expressed to be exercisable by legislative instrument shall be known as legislative instruments.

(3) Legislative instruments shall be published by the Government Printer and, if a legislative instrument is published otherwise than in the *Gazette*, a notice of its publication shall be inserted as soon as may be in the *Gazette*.

5. Executive instruments

Statutory instruments other than legislative instruments or instruments of a judicial character shall be known as executive instruments.

6. Making of instruments in advance

Subject to section 13, a statutory instrument may be made under an enactment contained in an Act at any time after the passing of the Act although the said enactment has not come into operation.

7. Limitation of power to modify Acts

An enactment conferring power to make a statutory instrument shall not be taken to authorise the inclusion in the instrument of a provision amending, repealing or conflicting with an enactment except as may be expressly stated in the enactment conferring the power.

8. Multiple exercise of powers

(1) A statutory instrument may be made

(a) by one authority under two or more separate powers;

(b) by two or more authorities jointly under one or more separate powers vested in each of them.

(2) One statutory instrument may be made under powers variously expressed as powers to make rules, regulations or other different descriptions of legislative instrument or under powers variously expressed

as powers to make orders, directions or other different descriptions of executive instrument, and the provisions of the instrument may be described as being one of those descriptions.

(3) Subsection (2) shall apply in relation to a power expressed merely as a power to make a legislative instrument or an executive instrument as it applies in relation to a power expressed as a power, to make a particular description of legislative instrument or executive instrument.

(4) This section does not authorise the making of a legislative instrument partly under a power to make an executive instrument or the making of an executive instrument partly under a power to make a legislative instrument.

9. Penalties⁶⁽⁶⁾

(1) There may be included in a statutory instrument which contains a prohibition or requirement, a provision that a person who fails to comply with that prohibition or requirement is liable to penalties.

(2) The penalty prescribed for an offence by virtue of this section, shall be not more than a fine of one hundred and fifty penalty units or imprisonment for a term of one year or both and in the case of a continuing offence, an additional penalty of not more than five penalty units may be prescribed by the instrument for each day on which the offence continues.

10. Instruments required to be laid before Assembly

(1) Subject to clause (7) of article 11 of the Constitution, where by any Act a statutory instrument is required to be laid before Parliament after being made, a copy of the instrument shall be so laid in accordance with Standing Orders of Parliament at least seven days before the instrument is to come into operation.

(2) Where a Minister notifies the Speaker that it is essential that an instrument should come into operation before subsection (1) can be complied with, those provisions need not be complied with but a copy of the instrument shall be laid as soon as is practicable after it has been made, whether or not it has already come into operation.

11. Instruments subject to annulment

Where by any Act a statutory instrument is declared to be subject to annulment by the Parliament,

- (a) the instrument shall be laid before the Parliament after being made, and
- (b) if within twenty days beginning with the day on which the instrument is so laid Parliament resolves that the instrument be annulled the instrument shall be deemed to be revoked, but without prejudice to the making of a further instrument.

12. Reckoning of time

In reckoning a period of seven or twenty days for the purpose of section 10 or section 11, account shall not be taken of a time during which Parliament is dissolved or is adjourned for more than three days.

13. Commencement of instrument

(1) A statutory instrument shall come into operation on the date specified in that behalf in the instrument or, if a date is not so specified, then

- (a) in the case of a legislative instrument, on the date governed by clause (7) of article 11 of the

Constitution on the date of the publication in the *Gazette*;

(b) in any other case, on the date on which the instrument is made.

(2) Where an instrument is made after the passing but before the coming into operation of the enactment under which it is made, the instrument, whether or not it is previously published, shall not come into operation before the date on which the said enactment comes into operation.

(3) A statutory instrument may provide that it shall come into operation on a date earlier than the making thereof, not being a date earlier than the coming into operation of the enactment under which it is made.

(4) A person shall not be accused of an offence under the instrument in respect of anything done or omitted to be done before the making of the instrument.

14. Amendment and revocation

(1) Where an Act confers power to make a statutory instrument, the Act shall, unless the context otherwise requires, be deemed also to confer power, exercisable by the like authority and in the like manner, to amend or revoke the instrument.

(2) Where a statutory instrument is amended by an Act or further statutory instrument the Attorney-General may authorise the reprinting of the whole or a part of the instrument in a form which gives effect to the amendments; and when published by authority the instrument or the part as so reprinted shall be conclusive evidence of the provisions of the amended instrument or part.

15. Citation of instrument

(1) It shall be sufficient for all purposes to cite a statutory instrument made on or after the first day of January, 1960, by the title set out at the head of the instrument on publication or by the number allotted to the instrument on publication and the calendar year.

(2) If an incorrect title is given to an instrument so made on publication the authority by whom the instrument was made may by notice in the *Gazette* correct the title, and subsection (1) shall have effect as if the corrected title had been set out at the head of the instrument on publication.

16. Effect of failure to publish or lay before Assembly

Failure to observe a requirement imposed by this or any other Act as to the publication of a statutory instrument or the laying before Parliament shall not invalidate the instrument, but Parliament may at any time resolve that an instrument in respect of which requirement has not been observed shall be deemed never to have come into operation or shall be deemed to be revoked.

17. Power to make instruments for purposes of this Act

(1) The Attorney-General may, by legislative instrument,

(a) amend the provisions of an Act conferring power to make statutory instruments, being an Act passed before the coming into operation of this section, so as to bring those provisions into conformity with this Act or otherwise for the purposes of this Act;

(b) make any other provision as appears expedient for the purposes of this Act.

(2) An instrument made under this section is subject to annulment by Parliament.

Endnotes

1 (Popup - Footnote)

1. The Act, [No. 52 of 1959](#), was assented to on 11th November, 1959 and came into force, subject to [section 1 \(2\)](#), on 11th November, 1959.

2 (Popup - Footnote)

2. The subsection provided for the short title.

3 (Popup - Footnote)

3. The Statutory Instrument Order, 1960 (L.I. 9) provided that [sections 4, 5, 8](#) and [17](#) shall come into operation on 13th February, 1960.

4 (Popup - Footnote)

4. The subsection repeals [sections 12, 13](#) and [14](#) of the Interpretation Act, 1957 ([Act 29](#)).

5 (Popup - Footnote)

5. The subsection repeals [sections 4](#) to [10, 25](#) and [section 11 \(2\)](#) of the Interpretation Act, 1957 ([Act 29](#)).

6 (Popup - Footnote)

6. Substituted by section 1 of the Statutory Instruments (Amendment) Act, 2007 (Act 742).