

2023-09-26

OBJECTS AND REASONS

This Bill would amend the *Law Revision and Law Reform Act, 2019* (Act 2019-6) to give greater independence to the Law Reform Commission in its operations and for matters related thereto.

Arrangement of Sections

1. Short title
2. Insertion of new section 28A into Act 2019–6
3. Repeal and replacement of Part III of Act 2019-6
4. Repeal section 35 of Act 2019–6
5. Consequential amendments
6. Commencement

SCHEDULE

CONSEQUENTIAL AMENDMENTS

BARBADOS

A Bill entitled

An Act to amend the *Law Revision and Law Reform Act, 2019* (Act 2019-6) to give greater independence to the Law Reform Commission in its operations and for matters related thereto.

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Law Revision and Law Reform (Amendment) Act, 2024*.

Insertion of new section 28A into Act 2019–6

2. *The Law Revision and Law Reform Act, 2019 (Act 2019 -6), in this Act referred to as the principal Act, is amended by inserting the following section after section 28:*

“Expenses in relation to law revision

28A. The expenses incurred for the purposes of the revision of the law under this Act and generally in respect of the administration of this Act in relation to law revision, shall be paid out of such money as may be voted for that purpose by Parliament.”.

Repeal and replacement of Part III of Act 2019-6

3. *Part III of the Law Revision and Law Reform Act, 2019 (Act 2019-6), is deleted and the following is substituted:*

“PART III

LAW REFORM

Establishment of Law Reform Commission

29.(1) There shall be a Law Reform Commission.

(2) The Law Reform Commission is a body corporate to which section 21 of the *Interpretation Act*, Cap. 1 applies.

Purpose of Law Reform Commission

30. The purpose of the Law Reform Commission is to promote reform of the law in Barbados.

Appointment of members of the Law Reform Commission

31.(1) The Attorney General shall by instrument, appoint a Chairman and such other persons as appear to him be suitably qualified pursuant to subsection (2) to be Law Reform Commissioners.

(2) A person appointed to be a Law Reform Commissioner under subsection (1) shall be a person who holds or has held high judicial office or a person who is an experienced legal practitioner or an experienced teacher of law in a university.

(3) A Law Reform Commissioner shall be appointed for such period, not exceeding 5 years, and on such terms and conditions, including compensation, as may be determined by the Attorney-General at the time of his appointment.

(4) A Law Reform Commissioner may at any time resign his office by notice in writing addressed to the Law Reform Commissioner and that person who ceases to be a Commissioner shall be eligible for re-appointment.

(5) Where a Law Reform Commissioner is unable to fully perform his functions, the Attorney-General may appoint another person to be a Commissioner in his stead.

(6) The appointment of a Judge as a member of the Law Reform Commission does not affect the Judge's tenure of the judicial office and for all purposes, the Judge's service as a member shall be taken to be service as a Judge.

Functions of the Commission

32.(1) The Law Reform Commission shall systematically keep the law under review for the purpose of developing, modernizing and simplifying the law.

(2) The Law Reform Commission shall have the following powers:

- (a) to receive and consider any suggestions or formal proposals for the reform of the law which may be made to the Commission;
- (b) to prepare and submit to the Attorney-General from time to time, programmes for the examination of different branches of the law with a view to reform, including recommendations as to whether such examination should be carried out by the Commission or some other body;
- (c) to undertake pursuant to any recommendations approved by the Attorney-General, the examination of particular branches of the law and the formulation of proposals for reform;
- (d) to provide at the instance of the Attorney-General, advice and information to Ministries and Departments of the Government and other authorities which are concerned with proposals for the amendment or reform of any branch of the law;
- (e) to obtain such information as to the laws and legal systems of other countries as appears to the Commission likely to facilitate the performance of any of its functions.

(3) In the exercise of the functions specified under this Act, the Law Reform Commissioners shall be subject to the general direction of the Attorney-General.

Director of the Law Reform Commission

33.(1) The Law Reform Commission shall, with the approval of the Attorney-General, appoint a Director of the Law Reform Commission for a term not exceeding 3 years on such terms and conditions as the Commission may determine.

(2) The Director of the Law Reform Commission shall perform the functions conferred on him by this Act and such other functions as may be conferred on him by the Law Reform Commission.

(3) The Director of the Law Reform Commission is subject to the directions of the Law Reform Commission and is responsible to the Commission for the management of its day-to day operations.

(4) The Law Reform Commission shall pay the Director of the Law Reform Commission such remuneration and allowances as the Commission determines.

Staff of the Law Reform Commission

34.(1) The Law Reform Commission may employ such staff as it considers necessary for the proper carrying into effect the provisions of this Act.

(2) Staff of the Law Reform Commission shall be

(a) employed on such terms and conditions; and

(b) paid such remuneration,

as the Commission determines.

Pension rights and service

34A.(1) Subject to sections (2) and (3), the employees of the Law Reform Commission shall be granted pension and related emoluments under the *Pensions Act*, Cap. 25 as if they were public officers.

(2) Where

- (a) a public officer is transferred to an office in service of the Law Reform Commission; or
- (b) an officer of the Law Reform Commission is transferred to an office in the public service,

the *Pensions Act, Cap. 25* shall apply to that officer as if that officer's service with the Law Reform Commission were other public service within the meaning of that Act, and the *Pensions Regulations, 1947* (1947-20) shall apply to that officer accordingly.

Experts

34B.(1) The Law Reform Commission may appoint or engage persons having special or technical knowledge to assist the Commission in carrying out its functions.

(2) A person engaged pursuant to subsection (1) shall receive such remuneration as the Law Reform Commission determines.

Specialized committees

34C.(1) In performing any of its functions under section 32, the Law Reform Commission may appoint committees to provide advice and information, and to consider and report on any matter referred to the Commission.

(2) In appointing persons as members of a committee under subsection (1), the Law Reform Commission shall not restrict consideration to members of the legal profession.

(3) Persons appointed to a committee under this section shall receive such remuneration as the Commission determines.

Law reform programme

34D. The Chairman of the Law Reform Commission shall at the beginning of each year, prepare a programme for Law Reform for that year and submit it to the Attorney-General no later than 31st January of that year.

Submission of report by Law Reform Commission

34E.(1) The Law Reform Commission shall, in respect of every calendar year, submit a report of its proceedings in respect of law reform to the Attorney-General.

(2) The Attorney-General shall cause the report referred to in subsection (1) to be laid before Parliament with any comments he thinks fit.

(3) The report referred to in subsection (1) shall be published by the Law Reform Commission after consultation with the Attorney-General.

Funds of the Law Reform Commission

34F. There is established a Law Reform Commission Fund, the resources of which shall comprise of

- (a) such amounts as may be voted for the purpose by Parliament;
- (b) all other amounts which may become payable to or vested in the Commission in respect of any matter incidental to its functions; and
- (c) such other moneys as may become available to the Commission from any other source approved by the Minister.

Application of funds

34G. The resources of the Fund referred to in section 34F, shall be applied towards discharging the obligations and the performance of any function of the Law Reform Commission under this Act.

Accounts and audit

34H. The Law Reform Commissioner shall keep proper books of account of its revenues, expenditures, assets and liabilities and implement International Accounting Standards and practices in accordance with the accounting standards and standing instructions issued by the Accountant-General under the *Public Finance Management Act, 2019* (Act 2019-1).

Financial reports

34I. The Law Reform Commission shall submit such reports and information as required by Part IX of the *Public Finance Management Act, 2019* (Act 2019-1).

Interpretation for the purposes of sections 34J and 34K

34J. For the purposes of sections 34J and 34K, “former commission” means the Law Reform Commission established before the commencement of this Part.

Transfer of assets and liabilities

34K.(1) All

- (a) assets vested in the former commission before the commencement of this Part are transferred to and vested in; and
- (b) liabilities incurred by the former commission before the commencement of this Part are transferred to,

the Law Reform Commission to the same extent and interest and in the same manner as they were vested in the former commission.

(2) All contracts entered into by or on behalf of the former commission shall be deemed to have been entered into by or on behalf of the Law Reform Commission.

Appointments

34L. All appointments made by the former commission before the commencement of this Part, shall be deemed to have been made on behalf of the Law Reform Commission and shall continue to be of full force and effect until the date fixed in the instrument for the termination of the appointments.”.

Repeal section 35 of Act 2019–6

4. *Section 35 of the principal Act is repealed.*

Consequential amendments

5. The enactments set out in Column 1 of the *Schedule* are amended in the manner specified in Column 2 of the *Schedule*.

Commencement

6. This Act shall come into operation on a date to be fixed by proclamation.

SCHEDULE

(Section 6)

CONSEQUENTIAL AMENDMENTS

Column 1	Column 2
Enactments	Amendments
1. <i>Public Finance Management Act, 2019 (Act 2019-1)</i>	<p>The <i>First Schedule</i> is amended by inserting immediately after paragraph 13A the following:</p> <p>"13A. Law Reform Commission".</p>
2. <i>Statutory Boards (Pensions) Act, Cap. 384</i>	<p>The <i>First Schedule</i> is amended by inserting immediately after paragraph 9 the following:</p> <p>"9A. <i>Law Reform Commission</i> State Counsel".</p> <p>The <i>Second Schedule</i> is amended by inserting immediately after paragraph 9 the following: "9A. The Law Reform Commission (established by the <i>Law Revision and Law Reform Act, 2019 (Act 2019-6)</i>.".</p>

Read three times and passed the House of Assembly this
day of _____, 2024.

Speaker

Read three times and passed the Senate this _____ day of
, 2024.

President