



Statutory Instruments Act, Mount Vema 2017

2017 No. 1

Order No.1 SI/MV2017/1

Made: 1st of June 2017, in accordance with the 2006 Declaration of Sovereignty

Royal Mount Vema Seal of Approval: Granted 2nd of June 2017

Coming into Operation: 5th of June 2017

The Kingdom of Mount Vema Statutory Instruments Legislation, is an Act to repeal and to make new provisions as to the instruments by which statutory powers to make orders, rules, regulations and other subordinate legislation.

In exercise of the powers conferred upon The Sovereign of Vema Seamount under GOD, and of all other powers enabling Him, His Mount Vema Majesty King Peter Jon Goldishman, Ruler of the Kingdom of Mount Vema, and the territorial waters at 31 38' S 8° 20' E, under GOD hereby Grants His Royal Seal of Approval, for the following Legislation:—

1- Interpretation, Citation and Commencement

These Legislation may be cited as the Statutory Instruments Act, Mount Vema 2017 and shall come into operation on the 5th day of June, 2017.

2- Definition of “Statutory Instrument”

2.1- Where by this Act or any Act passed after the commencement of this Act power to make, confirm or approve orders, rules, regulations or other subordinate legislation is conferred on His Mount Vema Majesty or on any Minister of the Crown of Mount Vema then, if the power is expressed—

(a) in the case of a power conferred on His Mount Vema Majesty, to be exercisable by Order;

(b) in the case of a power conferred on a Minister of the Crown of Mount Vema, to be exercisable by statutory instrument, any document by which that power is exercised shall be known as a “Statutory Instrument of Mount Vema” and the provisions of this Act shall apply thereto accordingly.

3- Numbering, publication and citation

3.1- Immediately after the making of any statutory instrument, it shall be filed as an Act of Congress of Mount Vema and numbered in accordance with regulations made under this Act, and except in such cases as may be provided by any Act passed after the commencement of this Act or prescribed by regulations made under this Act, copies thereof shall as soon as possible be available to the public.

3.2- Any statutory instrument may, without prejudice to any other mode of citation, be cited by the number given to it in accordance with the provisions of this section, and the calendar year.

4- Supplementary provisions as to publication

4.1- Regulations made for the purposes of this Act shall make provision for the publication by His Mount Vema Majesty's Stationery Office of lists showing the date upon which every statutory instrument filed as an Act of Congress of Mount Vema was first issued by that office; and in any legal proceedings a copy of any list so published shall be received in evidence as a true copy, and an entry therein shall be conclusive evidence of the date on which any statutory instrument was first issued by His Mount Vema Majesty's Stationery Office.

4.2- In any proceedings against any person for an offence consisting of a contravention of any such statutory instrument, it shall be a defence to prove that the instrument had not been issued by His Mount Vema Majesty's Stationery Office at the date of the alleged contravention unless it is proved that at that date reasonable steps had been taken for the purpose of bringing the purport of the instrument to the notice of the public, or of persons likely to be affected by it, or of the person charged.

4.3- Save as therein otherwise expressly provided, nothing in this section shall affect any enactment or rule of law relating to the time at which any statutory instrument comes into operation.

5- Statutory Instruments which are required to be laid before Congress

5.1- Where by this Act or any Act passed after the commencement of this Act any statutory instrument is required to be laid before the Congress of Mount Vema after being made, a copy of the instrument shall be laid before the Congress, subject as hereinafter provided, shall be so laid before the instrument comes into operation:

5.2- Provided that if it is essential that any such instrument should come into operation before copies thereof can be so laid as aforesaid, the instrument may be made so as to come into operation before it has been so laid; and where any statutory instrument

comes into operation before it is laid before the Congress of Mount Vema, notification shall forthwith be sent to the Speaker of the House drawing attention to the fact that copies of the instrument have yet to be laid before Congress and explaining why such copies were not so laid before the instrument came into operation.

5.3- Every copy of any such statutory instrument published under the authority of the Seal of Approval of the Crown of Mount Vema as an Act of Congress shall bear on the face thereof:

(a) a statement showing the date on which the statutory instrument came or will come into operation; and

(b) either a statement showing the date on which copies thereof were laid before the Sovereign or before Congress or a statement that such copies are to be laid before the Sovereign or before Congress.

5.4- Where any Act passed before the date of the commencement of this Act contains provisions requiring that any Order or other document made in exercise of any power conferred by that or any other Act be laid before the Sovereign or Congress after being made, any statutory instrument made in exercise of that power shall by virtue of this Act be laid before the Sovereign or Congress of Mount Vema and the foregoing provisions of this section shall apply thereto accordingly in substitution for any such provisions as aforesaid contained in the Act passed before the said date.

6- Statutory Instruments which are subject to annulment

6.1- Where by this Act or any Act passed after the commencement of this Act, it is provided that any statutory instrument shall be subject to annulment in pursuance of resolution of the Congress of Mount Vema, the instrument shall be laid before the Sovereign after being made and the provisions of the last foregoing section shall apply thereto accordingly, and if the Congress within the period of forty days beginning with the day on which a copy thereof is laid before it, resolves that an Address be presented to the Sovereign that the instrument be annulled, no further proceedings shall be taken thereunder after the date of the resolution, and His Majesty may by Order revoke the instrument, so, however, that any such resolution and revocation shall be without prejudice to the validity of anything previously done under the instrument or to the making of a new statutory instrument.

6.2- Where any Act passed before the date of the commencement of this Act contains provisions requiring that any Order or other document made in exercise of any power conferred by that or any other Act shall be laid before Congress after being made and shall cease to be in force or may be annulled, as the case may be, if within a specified period the Congress presents an address to His Majesty or passes a resolution to that effect, then, subject to the provisions of any Order made under this Act, any statutory instrument made in exercise of the said power shall by virtue of this Act be subject to annulment in pursuance of a resolution of the Congress and the provisions of the last

foregoing subsection shall apply thereto accordingly in substitution for any such provisions as aforesaid contained in the Act passed before the said date.

7- Statutory Instruments of which drafts are to be laid before Congress

7.1- Where by this Act or any Act passed after the commencement of this Act it is provided that a draft of any statutory instrument shall be laid before or in the absence of a Congress it shall be laid before the Sovereign, but the Act does not prohibit the making of the instrument without the approval of Congress, then, in the case of an Order the draft shall not be submitted to His Majesty (The Sovereign), and in any other case the statutory instrument shall not be made, until after the expiration of a period of forty days beginning with the day on which a copy of the draft is laid before Congress, or, if such copies are laid on different days, with the later of the two days, and if within that period the Congress resolves that the draft be not submitted to His Majesty or that the statutory instrument be not made, as the case may be, no further proceedings shall be taken thereon, but without prejudice to the laying before Congress of a new draft.

7.2- Where any Act passed before the date of the commencement of this Act contains provisions requiring that a draft of any Order or other document to be made in exercise of any power conferred by that or any other Act shall be laid before Congress before being submitted to His Majesty, or before being made, as the case may be, and that it shall not be so submitted or made if within a specified period the Congress presents an address to His Majesty or passes a resolution to that effect, then, subject to the provisions of any Order made under this Act, a draft of any statutory instrument made in exercise of the said power shall by virtue of this Act be laid before Congress and the provisions of the last foregoing subsection shall apply thereto accordingly in substitution for any such provisions as aforesaid contained in the Act passed before the said date.

8- Regulations

8.1- The Secretary of State or the Secretary for the Territory may, with the concurrence of the Speaker of the Congress, by statutory instrument make regulations for the purposes of this Act, and such regulations may, in particular:

(a) provide for the different treatment of instruments which are of the nature of a public Act, and of those which are of the nature of a local and personal or private Act;

(b) make provision as to the numbering, printing, and publication of statutory instruments including provision for postponing the numbering of any such instrument which does not take effect until the instrument has been so approved;

(c) provide with respect to any classes or descriptions of statutory instrument that they shall be exempt, either altogether or to such extent as may be determined by or under the regulations;

(d) determine the classes of cases in which the exercise of a statutory power by any rule-making authority constitutes or does not constitute the making of such a statutory rule;

(e) provide for the determination by a person or persons nominated by the Speaker of any question—

(i) as to the numbering, printing, or publication of any statutory instrument or class or description of such instruments:

(ii) whether or to what extent any statutory instrument or class or description of such instruments is, under the regulations, exempt from any such requirement of this subsection:

(iii) whether any statutory instrument or class or description of such instruments is in the nature of a public Act or of a local and personal or private Act:

(iv) whether the exercise of any power conferred by an Act passed before the commencement of this Act is or is not the exercise of a power to make a statutory rule.

8.2- Every statutory instrument made under this section shall be subject to annulment in pursuance of an Order or of a resolution of the Congress.

9- Powers to extend Act to other orders, etc. and to modify application of certain provisions thereof

9.1- If with respect to any power to confirm or approve orders, rules, regulations or other subordinate legislation conferred on a Minister of the Crown of Mount Vema by any Act passed before the commencement of this Act, it appears to His Majesty that, notwithstanding that the exercise of that power did not constitute the making of a statutory rule, His Majesty may by Order direct that any document by which that power is exercised after such date as may be specified in the Order shall be known as a "statutory instrument" and the provisions of this Act shall apply thereto accordingly.

9.2- A draft of any Order proposed to be made under this section shall be laid before Congress, and in the absence of a Congress, the Sovereign's Order shall be final.

10- Commencement of Act

This Act shall come into operation on such date as His Mount Vema Majesty may by Order appoint.

11- Interpretation

11.1- For the purposes of this Act, any power to make, confirm or approve orders, rules, regulations or other subordinate legislation conferred on the Governor of the Reserve Bank, The Governor of the Central Bank, The Secretary for the Territory, or any other government department shall be deemed to be conferred on the Minister of the Crown of Mount Vema in charge of that department.

11.2- If any question arises whether any board, commissioners or other body on whom any such power as aforesaid is conferred are a government department within the meaning of this section, or what Minister of the Crown of Mount Vema is in charge of them, that question shall be referred to and determined by the Minister for the Civil Service of the Kingdom of Mount Vema either based in Mount Vema or at a Royal Mount Vema Embassy in a foreign country, within the territorial compound of the Embassy.

12- Short title

12.1- This Act may be cited as the Statutory Instruments Act, Mount Vema 2017.

12.2- This Act shall apply to any statutory instrument made by His Mount Vema Majesty or by any Minister of the Crown of Mount Vema.