

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Act No.: 4/2011

Interpretation Act

- Introduction and title
1. (a) This is an Act to prescribe the legal principles to be considered in the construction, interpretation or application of Acts passed by the Parliament and regulations issued under those Acts.
 - (b) This Act may be cited as the “Interpretation Act”.
- Objective
2. The objective of this Act is to achieve the following.
 - (a) To prescribe principles for the construction, interpretation and application of Acts and regulations in force in the Maldives, in a consistent manner.
 - (b) To inform legal institutions and courts of law on the standards to be used in the construction, interpretation and application of Acts.
- Rule of literal or ordinary meaning (‘literal rule’)
3. In the interpretation of Acts, the rule of literal or ordinary meaning shall be applied, to achieve the following.
 - (a) Give priority to maintaining the ordinary meaning of a word, phrase or sentence used in stating a particular matter in the Acts passed by the Parliament.
 - (b) Acknowledge that when enacting an Act, the power to determine the meaning to be conveyed by the use of a word, phrase or sentence is vested with the Parliament, and recognise that the best way is to maintain the word, phrase or sentence as used by the Parliament.
 - (c) Where the use of a word, phrase or sentence conveys a particular meaning, recognise that it is not



desirable to expand the meaning conveyed or to attempt to include additional elements in the meaning.

- (d) Recognise that a particular word, phrase or sentence used in describing a particular matter in the enactment of Acts, clearly represents the intention of the legislator.

Implement remedy for which Act was enacted ('mischief rule')

4. (a) In the interpretation of Acts, the mischief rule shall be applied, by determining the defect which the Act set out to remedy, and the enforcement of the Act in a manner which implements this remedy in the proper context to new situations and circumstances.

- (b) In the application of the mischief rule in the interpretation of Acts, the following shall be taken into consideration.

(1) The situation prior to the introduction of the Act.

(2) The defect sought to be remedied by the introduction of the Act.

(3) The remedy sought by the Parliament in passing the Act, and the defect sought to be remedied.

(4) The true objective of the remedy provided by the Parliament.

Rule of special meaning ('golden rule')

5. The purpose of the rule of special meaning is, in circumstances where a word, phrase or sentence used in an Act conveys more than one meaning, and it appears that acting upon the ordinary meaning of that word, phrase or sentence is likely to lead to an absurd result, or a result which would contradict the concept of the Act, to make use of a special meaning instead of the ordinary meaning of the word, phrase or sentence used in the Act, in order to eliminate the possibility of the absurd result or contraction with the concept of the Act.



sentence in such Act.

- (a) By reading the entire paragraph, section or chapter in which a particular word, words or sentence in an Act appears, the meaning of such word, words or sentence, or their place or context may be identified.
- (b) The concept mentioned in the title of the Act may also be used to determine the objective of the Act.
- (c) The concept mentioned in the preamble of the Act may also be used to determine the objective of the Act.
- (d) The rules of written language such as comma, hyphen, inverted comma, and full stop may also be used to determine the meaning of a word.

Extrinsic aids to
Acts interpretation

11. The following aids found outside the Act may be used in order to determine the meaning of a certain word, words or sentence in such Act.
- (a) Reason for the enactment of the Act or a particular section in it.
 - (b) Manner in which the word is used in a reliable dictionary.
 - (c) Reliable academic materials written and published on the subject matter.
 - (d) General application of the word or accepted manner of its use.
 - (e) Place and context in which a word related to the section or subject matter requiring interpretation is used in another Act.
 - (f) Official reports and research material published during the process of enactment of the Act.
 - (g) International conventions and agreements.



- (h) Minutes of Parliamentary debates and research conducted by committees of the Parliament.
- Presumptions in Acts interpretation
12. Unless the contrary intention appears, the following principles are presumed in the interpretation of Acts.
- (a) Every Act is introduced in order to resolve a previous matter, remedy a past defect or fill a void in the legal system.
- (b) An Act shall not infringe upon the powers of courts of law.
- (c) An Act shall not completely deprive a right granted.
- (d) Penal Acts shall be interpreted in favour of the accused.
- (e) Acts shall be applied prospectively, and shall not be applied retrospectively to anything occurring prior to the date of its enactment.
- (f) Where the use of a word, words, or sentence conveys a single unambiguous meaning, recognise that the matter is expressed in the Act in the manner the Parliament desired, and that the meaning conveyed by the Act is the meaning which the Parliament intended.
- (g) Where a particular word conveys a special, popular or widely used meaning at that point in time, the meaning prevalent in the society at that time shall be preferred instead of its actual, original, or conceptual meaning.
- (h) Where a particular word conveys a special meaning in a particular field, business or occupation, priority shall be given to the special meaning used in such field, business or occupation, over its ordinary meaning.
- Some principles relating to Acts
13. The courts shall recognise the Acts enacted by the Parliament as valid Acts, such that no person is required to



carry out additional efforts to prove their validity.

- Schedules
14. Schedules included in an Act are considered to be an essential part of the Act. The Act shall not be complete without its schedules. A reference to the Act shall also mean a reference to its schedules.
- Parts of an Act
15. (a) Where the Act is divided into parts or chapters, or divided under different headings, accept that the Act shall only be complete with all such inclusions.
- (b) Where a sample form is included in the Act, and it is an obligation under the Act to complete such form, the form may be completed with deviations in manner that does not materially contradict the sample form.
- (c) Examples included in Acts to describe certain concepts shall be recognised to be part of the Act. In this regard, where an example provided contradicts the wording of the Act to any extent, priority shall be given to the wording of the Act.
- (d) In making reference to an Act, a reference to its title or serial number shall be sufficient.
- (e) Where in an Act, reference is made to a part, chapter, schedule, number, or section number without referring to a particular Act, the reference shall be construed as a reference to a part, chapter, schedule, or number of the Act in which the reference appears.
- (f) Where in a section of an Act, reference is made to a subsection or paragraph without referring to another Act or section of another Act, the reference shall be construed as a reference to a subsection or paragraph of the section in which the reference appears.
- Parts that do not form part of an Act
16. Section headings and marginal notes in an Act shall be taken not to be part of the Act. Section headings and marginal notes in an Act are used for convenience of reference only.



- | | | |
|---|-----|---|
| Interpretation of Acts | 17. | In the interpretation of an Act, priority shall be given to an interpretation that would achieve the aims and objectives of the Act. An Act shall not be interpreted in a manner that would thwart its objectives. |
| Date of commencement of an Act | 18. | Where it is provided that an Act shall commence from a specified day, it shall enter into force at the end of the day immediately preceding the specified day. |
| Repeal of Act | 19. | <p>(a) Where a part of an Act is repealed, the regulation issued under that Act or the repealed part of the Act shall remain in effect unless it contradicts with the repealed Act.</p> <p>(b) Where an Act is repealed, unless the contrary intention appears, it shall be recognised that the following would not occur.</p> <ol style="list-style-type: none"> (1) That anything not formed or in existence at the time of repeal of the Act, would be formed or continue to be in existence after its repeal. (2) Nullification of anything done under the Act up to the point of repeal of the Act. (3) Nullification of any right or privilege acquired, or any obligation or duty imposed, up to the point of repeal of the Act. (4) Nullification of any fine imposed, confiscation of property, or punishment imposed on a person under the Act. (5) Nullification of any investigation, legal work or judicial work. |
| General principles on issuing regulations | 20. | <p>(a) Where an Act confers the power to issue regulations on a certain body, unless otherwise provided in such Act, the following principles shall be applicable to regulations issued under the Act.</p> <ol style="list-style-type: none"> (1) Where the regulation issued under the Act contradicts its concept, the person issuing the |



regulation shall have the power to alter, amend or repeal the said regulation.

- (2) The person administering the regulation shall have the power to rescind, replace, or amend the regulation in the manner by which it was issued and administered.
 - (3) Where the mandate of the sector or government authority designated for the administration of the regulation is transferred to another authority or included in the mandate of another authority, the matters referring to the former in the regulation shall be deemed to have been transferred to the latter.
- (b) The power to issue regulations shall include the following powers.
- (1) The power to levy a fine not exceeding Rf 2,000 (Rufiyaa two thousand) for contravention of the regulation.
 - (2) The power to carry out things in accordance with the regulation.
 - (3) The power to amend forms specified in the Act without material deviation from its original form, or the power to introduce new forms which are not specified in the Act. In this regard, a reasonable time frame shall be given for the use of new forms.
 - (4) The power to determine the manner in which a document, record, permit or licence specified in the Act is to be obtained and the applicable fee.
 - (5) To determine the amount of fines under the powers vested by the Act, and the power to alter such fines in the same manner.



- (c) A reference to the Act shall also mean a reference to the regulations issued under the Act.
- (d) Where particular words used in the regulation issued under an Act are defined in the Act, such words used in the regulation shall have the meaning used in the Act.
- (e) The courts of law shall recognise the validity of a regulation issued under an Act.
- (f) Conduct, acts and omissions under the regulation shall be taken to be acts committed under the Act.
- (g) A reference to the Act shall also refer to the regulations issued under the Act.
- Power conferred to perform a particular act 21. Where an Act confers a power, unless the contrary intention appears in the Act, it is sufficient to exercise such power as occasion requires.
- Duties imposed 22. Where an Act imposes a duty, unless the contrary intention appears in the Act, it is sufficient to perform such duty as occasion requires.
- Powers conferred 23. Where an Act confers powers on a person holding a particular office, unless the contrary intention appears in the Act, persons who hold such office temporarily or permanently shall have the said powers.
- Scope of powers of appointment 24. Where the power to make an appointment to a particular position, authority or institution is conferred on a person or authority, unless the contrary intention appears in the Act, the power to make an appointment shall include the power to remove, suspend, or appoint a person to temporarily perform the duties of the position.
- Power conferred to perform a particular act 25. Where an Act confers the power on a person to perform a particular act, such person shall be considered to have all direct and indirect powers for the proper exercise of the power conferred.
- Decisions by 26. Where an Act specifies that a particular matter shall be



- majority decided by a society, group, assembly or committee, unless the contrary intention appears in the Act, the decision shall be made by their majority.
- Exercising the powers of the President 27. In circumstances where the President has the power to make a particular order or notification, unless specifically stated that it shall be by the issuance of a written document signed by the President, an order or notification issued by a Minister or cabinet secretary authorised by the President, shall be deemed to have been given by the President.
- Exercising the powers of a Minister 28. Where a particular action does not require the issuance of a document signed by the Minister, notifications required to be issued by the Minister shall be deemed to have been given by the Minister where such notification is issued with the Minister's authorisation by the deputy to the Minister or the permanent secretary of the Ministry.
- Carrying out functions on behalf of the President 29. Unless specifically stated that a document shall be signed and issued by the President, it is sufficient for documents to be signed and issued by a Minister or cabinet secretary authorised by the President.
- Carrying out functions on behalf of the Minister 30. Except documents which require the signature of the Minister under an Act, a document shall be deemed to have been signed by the Minister where such document is signed by the permanent secretary of the Ministry.
- Relating to offences 31. (a) Where an Act does not provide that an attempt to commit an offence is a separate offence from that of the actual offence and a penalty is not imposed for the attempt to commit the offence, the court may regard the attempt to commit the offence as an offence and impose a penalty not exceeding 75% of the penalty imposed for the actual offence under the Act.
- (b) Imposing a particular penalty on a person in accordance with an Act is not a ground to restrict the opportunity to claim compensation in civil proceedings.
- Amount of fines 32. Where a particular amount or fine is prescribed in an Act,



unless otherwise stated in that Act, it shall always be recognised that the Act provides the maximum amount or fine, and that a lesser amount may be imposed.

- Gazette as evidence 33. Where any doubt arises as to the validity of a copy of an Act or regulation, the production of the gazetted copy of such Act or regulation shall be considered a valid copy.
- Service of documents 34. In circumstances where an Act refers to sending, delivery or giving of anything to a person, the following shall apply unless otherwise stated in the Act.
- (a) In relation to person, delivering it personally or sending it by registered post to the residential address of the person.
 - (b) In relation to a company or association, sending, delivering, or sending by registered post, to the address of the registered place of business of the company or association.
 - (c) Sending to the address provided in the contract.
- Computation of time 35. (a) Where time or a period of time needs to be determined for the purposes of an Act, and where reference is made to a period of time between two events, unless otherwise stated in that Act, the period shall be counted excluding both the days on which the events take place.
- (b) Where the time limited for the doing of a thing or the deadline for the doing of a thing falls on a public holiday, the thing may be done on the next working day.
 - (c) Unless otherwise stated in an Act or contract, in determining whether a thing required to be done within a period of time not exceeding 7 (seven) days has been done, or in determining whether such period has lapsed, public holidays falling within the 7 (seven) day period shall be excluded.
 - (d) Where it is stated that a particular thing is to be done



- in Maldives, at a specified time, the time shall be that of the Maldives.
- (e) Where a time period has not been specified for the performance of an act, it shall be performed at a reasonable speed, without significant delays.
- Scope of Acts 36. (a) Any Act passed by the Parliament is enforceable within the territory of the Maldives, and shall also be applicable to every citizen of Maldives outside Maldives and to vehicles, vessels and aircrafts whose country of registration is Maldives.
- (b) Where an Act is made on a particular subject matter, group, a particular person, or persons of a specific category, unless otherwise stated in the Act, the Act shall be applicable only to those stated in it.
- Imperative and discretionary matters 37. (a) Where an Act specifies that a particular thing *shall* or *must* be done, it shall be recognised as a duty or binding obligation created by the Act. And where an Act specifies that a particular thing *may* be done, it shall be recognised as a permitted thing, which may be done or not done at discretion, with no binding obligation.
- (b) Where a particular word is defined in an Act, unless a contrary intention appears in that Act, the word shall be used as used in the Act. And where a word defined in a particular Act is not defined in another Act on a related subject matter, the word defined in the former may be defined in the same manner for the purpose of the latter.
- Rules on oath 38. Under any circumstances which require taking an oath, such oath shall be taken before a judge, unless otherwise stated in the Act.
- Relating to companies 39. Where an Act refers to a company, unless otherwise stated, the following shall be recognized as legal principles and shall be considered.
- (a) That a company has the power to sue and be sued in

its own name.

- (b) That a company has the power to conduct transactions in its own name, and is a separate legal entity.
- (c) That unless a company is dissolved in accordance with an Act, it shall remain in perpetuity.
- (d) That a company is an independent entity that has the power to acquire and hold property, and has a distinct seal.
- (e) That a company is bound by the decision of the majority of its members.
- (f) That a company's liabilities and debts are created distinct from its individual shareholders.

Definitions

40. (a) In this Act, unless otherwise provided;

“Act” means Acts passed by the Parliament and ratified by the President, or Acts recognised in any other manner provided by an Act.

“Constitution” means the Constitution of the Republic of Maldives.

“government” means the government of the Republic of Maldives.

“President” means the person elected for President under the Constitution of the Republic of Maldives and holding that post.

“citizen” means a citizen of Maldives.

“Minister” means a Minister appointed to perform specific functions under the Constitution.

“court” means a court of law in the Maldives.

“judge” means a judge of the High Court or Supreme



Court.¹

“Parliament” means the Parliament of Maldives.

“act” means, in relation to an offence, committing an offence by an act or acts, and in some circumstances, by an omission or omissions.

“commencement” means the coming into force of an Act in the Maldives.

“contravention” means the doing of an act in a manner that contradicts with the manner stated in the Act, omission of an act required under an Act, and the doing of an act prohibited by an Act.

“gazette” means the newspaper in which the official matters of the Maldives is published.

“property” includes movable property, immovable property, rights and obligations related to property, and the right and privilege to use such property.

“public holiday” means days declared to be public holidays in accordance with law.

“seal” means the national emblem of Maldives.

“repeal” means suspension, revocation, amendment and removal.

“signature” includes, a handwritten depiction of a person’s name, or depiction of a person’s name legibly or illegibly in the form of a signature by using drawings, symbols or letters, or the provision of fingerprint by an illiterate person.

“vehicle, vessel and aircraft” includes forms of transportation via land, sea and air.

“writing” means things created in a legible form by

¹ Repealed by ruling number 2011/SC-R/01 (24 February 2011) of the Supreme Court.



the use of letters, by printing, drawing, writing by hand, taking a photograph or by any other method.

“work” or “occupation” includes the power to do such work, responsibilities and functions associated with it, capacity given for doing such work, and the area and scope of the work.

Words used in the singular form shall also include the words in the plural form.

References to the feminine gender includes the masculine gender, and vice versa.

- (b) Where a particular word is used in a particular grammatical form, other forms of the word shall have corresponding meanings.

Commencement

- 41. This Act shall commence after its passage, from the date of its ratification and publication in the government gazette.

