

**DEMOCRATIC REPUBLIC OF EAST TIMOR
NATIONAL PARLIAMENT**

**Law No. 1/2002
of 7 August**

PUBLICATION OF ACTS

The Constitution of the Republic leaves to the ordinary lawmaker the task of defining the different matters related to regulatory acts comprising the Republic's legal framework.

Taking into account that the law should define, as soon as possible, the types of legal instruments already in place and approve the respective forms, in addition to relevant rules of identification, publication, entry into force, correction and amendment of those instruments; and

Taking into consideration that, under the Constitution, failure to publish regulatory acts shall result into legal ineffectiveness thereof, which, as a consequence, brings up the need to establish an official gazette that will make publication of laws a possible practice;

Pursuant to item 1, Section 95, and item 3, Section 73, of the Constitution, the National Parliament enacts the following that shall have the force of law:

**Section 1
Official Gazette**

1. The *Official Gazette of the Democratic Republic of East Timor* (hereinafter the *Official Gazette*) is hereby established, which is meant to publish all acts required to be published or advertised by law.
2. The *Official Gazette* shall also come out in electronic format, access to which shall be regulated by a Government decree.
3. The front page of the *Official Gazette* shall feature the emblem of the Democratic Republic of East Timor, its name in both official languages, the respective issue number and the year, part, date of issuance and a table of contents, besides other elements deemed necessary.
4. The sale price of the *Official Gazette* shall cover its production cost.

**Section 2
Issuance**

1. The *Official Gazette* shall have an annual numbering, comprise one Part I and one Part II and shall be issued on a weekly basis on Wednesdays and Fridays,

respectively, except when these days coincide with a public holiday, in which case issuance shall take place on the following working day.

2. The *Official Gazette* shall be issued on the day corresponding with the date indicated thereon.
3. Publications that, because of their length, complexity or urgent or special nature, cannot be issued on one of the prescribed days shall be included in an attachment to the *Official Gazette* of the corresponding week or produced as a special issue.

Section 3 Publication in official languages

1. The *Official Gazette* shall be published in the two official languages.
2. The versions in Portuguese and Tetum shall be published side by side and the former shall take the left hand side.
3. In case of dispute between the two texts, the text in the Portuguese language shall prevail.

Section 4 Referral of texts for publication

1. Texts of acts to be published in the *Official Gazette* shall be sent by the originating entity to the competent service for its edition, after legal requirements have been met.
2. For the purposes of publication, the original text of acts shall be delivered to the competent service, along with the respective electronic support by the fifth working day prior to the issuance date of the respective Part and it shall be published in that issue.
3. Exceptionally, where publication of acts is a matter of urgency, in view of the date of entry into force thereof, the provision of item 2 of this section may be dispensed with and the originating entity shall substantiate its request.

Section 5 Published acts

1. Acts provided for under this law shall be published in the *Official Gazette* under pain of being legally ineffective.
2. Acts to be published in the Part I of the *Official Gazette* shall be as follows:

- a) The Constitution of the Republic, constitutional laws and proposals for constitutional revision;
 - b) International agreements, treaties and conventions;
 - c) Laws from the National Parliament, including those on legislative authority;
 - d) Government decrees-laws;
 - e) Government decrees;
 - f) Ministerial orders;
 - g) Decrees from the President of the Republic;
 - h) Resolutions from the National Parliament, including those to pass or reject motions;
 - i) Government resolutions;
 - j) The rules of procedure of the National Parliament and of the State Council;
 - k) Decisions to standardize jurisprudence and those given a general mandatory force by law;
 - l) Final results of elections of the President of the Republic, the National Parliament and local governments;
 - m) Final results of referenda;
 - n) The Government Programme approved by the National Parliament;
 - o) The State Plan, Budget and supplementary budgets approved by the National Parliament, as well as transfer of appropriations;
 - p) The Progress Report of the Government and the Report on the Execution of the State Budget;
 - q) Appointment, dismissal of, and other acts related to, the President of the Republic;
 - r) Appointments, dismissals of, and other acts related to, Members of the National Parliament, Members of the Government and Members of the State Council;
 - s) Appointments, dismissals of, and other acts related to, presidents and judges of higher courts, the Public Prosecutor-General and his or her Deputies; and
 - t) Other acts to be published in Part I of the *Official Gazette*, as required by law.
3. Acts to be published in Part II of the *Official Gazette* shall be as follows:
- a) Opinions, notices and statements the publication of which is required by law;
 - b) Appointments and dismissals the publication of which is required by law;
 - c) Other acts the publication of which is required by law.

Section 6
Identification and numbering of published acts

1. Published acts shall be identified by their category, number, year and date of publication, following this order, and the date of the act shall be that of the day on which the *Official Gazette* is published.
2. Acts shall feature a headline indicating the name of the body they originate from and contain, following the data provided for under item 1 of this section, a title summarizing its purpose.
3. Ministerial decrees shall feature, right after indication of the act category, identification of the entity or entities they originate from.
4. The numbering of acts shall refer to each year and shall be the responsibility of the service in charge of edition. To this effect, the numbers and year of the act shall be separated by a line.
5. There shall be a different numbering system for each of the categories of acts provided for under paragraphs a), c), d), e), f), g), h) and i) of item 2, Section 5, of the present Law, as well as for decisions of each court and other acts the nature of which allows such numbering system.

Section 7 **General rules on the form of acts**

1. Upon identification and numbering of acts referred to under paragraphs a), c), d), e), f), h) and i) of item 2, Section 5, there will be a preamble with a concise description of the reasons justifying the preparation of such acts.
2. Where another or other bodies have participated, on a consultative or deliberative basis as required by law, in the legislative process besides the body of final approval, this fact shall be specifically mentioned.

Section 8 **Decrees from the President of the Republic**

1. Decrees from the President of the Republic shall begin with the following formula:

“Pursuant to Section ... of the Constitution, the President of the Republic decrees as follows:”
2. Where the act is preceded by a proposal, especially for the appointment or dismissal of an incumbent of public office or where the incumbent has been designated, this fact shall be mentioned.

3. Decrees from the President of the Republic shall be closed by the instruction for publication, the signature of the President of the Republic, the respective date and place in sequence.

Section 9 Laws

1. Laws shall begin with the following formula:

“Pursuant to item 1, Section 95, – or to other indicated sections – of the Constitution, the National Parliament enacts as follows with the force of law:”
2. In case of a constitutional law, reference shall be made to this nature at the end of the formula.
3. Laws on legislative authorization shall begin with the following formula:

“Pursuant to provisions of paragraph ...), item 1, Section 96, of the Constitution, the National Parliament enacts as follows with the force of law:”
4. Laws shall be closed by the following elements in sequence:
 - a) The date of approval;
 - b) The signature of the Speaker of the National Parliament;
 - c) The date of promulgation by the President of the Republic;
 - d) The instruction for publication; and
 - e) The signature of the President of the Republic.

Section 10 Decrees-laws

1. Decrees-laws shall begin with the following formula:

“Pursuant to item 3, Section 115 – or paragraph ...), item 1, Section 115, or other indicated sections – of the Constitution, the Government enacts as follows with the force of law:”
2. Decrees-laws provided for under Section 96 of the Constitution shall begin with the following formula:

“Pursuant to the legislative authority given under Section ... of Law No.. ..., and in accordance with provisions of Section 96 of the Constitution, the Government enacts as follows with the force of law:”
3. Decrees-laws shall be closed by following elements in sequence:

- a) The date of approval by the Council of Ministers;
- b) The signature of the Prime Minister and Minister(s) responsible for the subject matter;
- c) The date of promulgation by the President of the Republic;
- d) The instruction for publication;
- e) The signature of the President of the Republic.

Section 11 **Government Drafts to the National Parliament**

1. Draft laws from the Government to the National Parliament, along with a presentation of reasons, shall begin with the following formula:

“Pursuant to paragraph c), item 1, Section 97, and paragraph a), item 2, Section 115, of the Constitution – with a request for priority and urgency, if that is the case -, the Government presents to the National Parliament the following draft law:”

2. Draft resolutions from the Government to the National Parliament shall begin with the following formula:

“Pursuant to paragraph a), item 2, Section 115, of the Constitution of the Republic – with a request for priority and urgency, if that is the case –, the Government presents to the National Parliament the following draft resolution:”

3. Draft laws or resolutions from the Government to the National Parliament shall be closed by the following elements in sequence:

- a) The date of approval by the Council of Ministers;
- b) The signature of the Prime Minister and Minister(s) responsible for the subject matter.

Section 12 **Government Decrees**

1. Government decrees shall begin with the following formula:

“Pursuant to Section ... of Law No. ...- or Decree-Law No. ..., as the cases may be -, the Government enacts as follows with the force of a regulation:”

2. Government decrees shall be closed by the following elements in sequence:

- a) The date of approval by the Council of Ministers;
- b) The instruction for publication; and

- c) The signature of the Prime Minister and the Minister(s) responsible for the subject matter;

Section 13 **Ministerial orders**

1. Ministerial orders shall begin with the following formula:

“Pursuant to Section ... of Decree-Law No. ... or Government Decree No. ..., the Minister(s) of ... decide(s) to publish the following order on behalf of the Government.”
2. Ministerial orders shall be closed by the following elements in sequence:
 - a) The signature of competent Minister(s);
 - b) The date of signature.
3. Competent Ministers are understood as those whose services have an influence on the execution of the legal instrument, as a result of the subject matter.
4. Where several competent Ministers are involved, it shall be incumbent upon the first mentioned minister to send the legal instrument for publication.

Section 14 **Resolutions from the National Parliament**

1. Resolutions from the National Parliament shall begin with the following formula:

“Pursuant to paragraph ...), item 3, Section 95 – or to other sections to be indicated, if that is the case – of the Constitution, the National Parliament decides, following a proposal from the Government, if that is the case, as follows:”
2. Resolutions shall be closed by the following elements in sequence:
 - a) The date of approval;
 - b) The instruction for publication; and
 - c) The signature of the Speaker of the National Parliament.
3. Resolutions provided for under paragraph a), Section 85, of the Constitution, to which the respective instrument of international law is attached, shall be closed by the following elements in sequence:

- a) The date of approval;
- b) The signature of the Speaker of the National Parliament;
- c) The instruction for publication; and
- d) The signature of the President of the Republic.

Section 15 **Government resolutions**

1. Government resolutions shall begin with the following formula:

“Pursuant to paragraph ...), item 2, Section 115 – or paragraph d), Section 116, or other sections as may be indicated, of the Constitution, the Government decides as follows:”
2. Resolutions shall be closed by the following elements in sequence:
 - a) The date of approval by the Council of Ministers;
 - b) The instruction for publication; and
 - c) The signature of the Prime Minister.
3. The respective instrument of international law shall be published as an attachment to resolutions provided for under paragraph d), Section 116, of the Constitution.

Section 16 **Entry into force of regulatory acts**

1. Regulatory acts shall enter into force on the dates established therein and they shall not take effect on the very day of publication or before.
2. Where a date is not established, regulatory acts shall enter into force on the tenth working day following publication in the *Official Gazette*.
3. Timeframes provided for under item 2 of this section shall count from the day immediately following publication of the act or the day the *Official Gazette* is circulated, if circulation occurs later.

Section 17 **Corrections**

1. Corrections shall only be allowed if they are related to material errors resulting from differences between the original text and the text printed in the *Official Gazette*. Corrections shall be made by a statement from the body that approved the original text.

2. Where differences are a fault of the service responsible for editing the *Official Gazette*, correction shall be made by a statement from that service.
3. The statement containing the corrected text shall be published in the Part of the *Official Gazette* where the text to be corrected was published.
4. Where difficulties may arise from understanding the corrected text, the corrected text shall be republished in part or in full.
5. Corrections shall only be accepted within sixty days following publication of the text to be corrected.
6. Failure to meet the deadline established under item 5 of this section shall render the correction null and void.
7. Corrections shall take effect from the date the act to be corrected entered into force, without prejudice to rights acquired in good faith by the date of its publication.

Section 18
Amendments and new publication

1. Acts amending other acts shall indicate the serial number of the amendment made and, where there have been previous amendments, they shall identify the acts that made such amendments, even if they address different provisions of the amended act.
2. Where the nature and length of the amendments so justify, the act shall be republished in full as an attachment.

Section 19
Mandatory subscription and circulation

Judicial bodies, public services, including autonomous entities, local organs and concessionary companies shall be enjoined to subscribe to Part I of the *Official Gazette* and promote its internal dissemination and circulation.

Section 20
Acts of the United Nations Transitional Administration in East Timor

1. Regulations of the United Nations Transitional Administration in East Timor (hereinafter UNTAET) in force on 19 May 2002 and approved by the Constituent Assembly shall have the same value as laws.
2. Other UNTAET regulations in force on 19 May 2002 shall have the same value as Government decrees.

3. UNTAET directives in force on 19 May 2002 shall have the same value as ministerial orders.
4. Executive orders and notifications issued by UNTAET and in force on 19 May 2002 shall have the value derived from their nature.

Section 21 Enactment

This law shall be enacted by a Government decree.

Section 22 Transitional Regime

1. By 31 December 2002, the *Official Gazette* may be issued in only one of the versions provided for under items 1 and 2, Section 1, of this Law and it shall comprise Part I only, which may be issued in the Portuguese language only.
2. Where the acts are published in the Portuguese language only, a summary of these acts in the Tetum language may be prepared and published in the *Official Gazette*, without prejudice to its full publication in this language at a later date.
3. Until a competent publication service is established and becomes operational, the *Official Gazette* may be published by a body to be designated by the Government.
4. Until such a time as the publication of the *Official Gazette* in any of the formats provided for in the present law is materially possible, its publication shall be made by public notice to be affixed in public places, or through one of the most widely circulated periodicals in East Timor.
5. It shall be incumbent upon the Government to define the conditions for the application of the provisions of item 4 of this section, as well as the way in which copies of published acts may be made available to requesting entities.
6. Until rules related to preparation of acts provided for herein are published, this law shall serve as a reference for the preparation of such acts.

Section 23 Repeals

UNTAET Regulation No. 1999/4, of 29 December 1999, and all rules contrary to the provisions of this law are hereby repealed.

Section 24
Entry into force

This law shall take effect as from 20 May 2002.

Passed on 28 June 2002

The Speaker of the National Parliament
Francisco Guterres 'Lú-Olo'

Promulgated on 29 June 2002

To be published.

The President of the Republic
José Alexandre Gusmão 'Kay Rala Xanana Gusmão'