

Province of Auckland.



INTERPRETATION ACT.

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

SESSION 1, No. 1.

A N A L Y S I S .

Title.	17. Fees, Fines, &c., to be paid over to Provincial Treasurer.
Preamble.	18. Interpretation of Words and Phrases,
1. All Acts to be deemed Public Acts.	“Number.”
2. And to be divided into Sections.	“Gender.”
3. When to come into operation.	“Person.”
4. Reserved Acts, when to come into operation.	“Her Majesty.”
5. Acts may be amended in same Session.	“Governor.”
6. Repealed enactments to remain in force until Repealing Act come into operation.	“Officers.”
7. Repeal of a Repealing Act not to revive Act first repealed.	“Month.”
8. Power of Appointment to imply power of Removal.	“Days.”
9. Powers may be exercised from time to time.	“Land.”
10. Power to make Rules, &c., to imply power to alter or revoke them.	“Estate.”
11. When doing an Act prohibited, causing to be done implied.	“Oath, &c.”
12. Power to administer Oaths.	“Highway.”
13. False Oath a misdemeanor.	“Port.”
14. False Declaration a misdemeanor.	“Ship.”
15. Penalties to be recovered in a summary way.	“Boat.”
16. And may be sued for by any one.	“Master.”
	“Seamen.”
	“Cattle.”
	“Carriage.”
	19. Commencement.

An Act to provide for the Interpretation, &c., of the Acts to be passed by the Superintendent and Council of the Province of Auckland.

BE IT ENACTED AND DECLARED, by the Superintendent of the Province of Auckland, with the advice and consent of the Provincial Council thereof, as follows:—

1. Every Act of the Superintendent and Council of the Province of Auckland shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such unless the contrary be expressly provided by any such Act.

All Acts to be deemed Public Acts.

And to be divided into Sections.

2. Every Act shall be divided into Sections if there be more enactments than one, which Sections shall be deemed to be substantive enactments without any introductory words.

Acts, when to come into operation.

3. Every Act which shall not prescribe the time from which it may be intended to take effect, and which shall be assented to by the Superintendent on behalf of the Governor, shall come into operation on the day on which it shall receive the Superintendent's assent.

Reserved Acts, when to come into operation.

4. Every Act which shall not prescribe the time from which it may be intended to take effect, and which shall be reserved for the signification of the Governor's pleasure thereon, shall come into operation on the day on which the Superintendent shall signify that the Governor has assented to the same.

Acts may be amended in same Session.

5. Every Act may be altered, amended, or repealed in the same Session of Council in which it may be passed, any law or usage to the country notwithstanding.

Repealed enactments to remain in force until Repealing Act come into operation.

6. Whenever any Act shall be made, repealing in whole or in part any existing Law, or substituting any provision in lieu thereof, the Law so repealed shall remain in force until the substituted provision shall come into operation, and such repeal shall not, without express words, affect any matter or thing commenced to be done under the repealed Law, but such matter or thing may be continued under the repealed law, unless the provision of the repealing Act shall be adapted to such continuation.

Repeal of a Repealing Act not to revive Act first repealed.

7. Whenever any Act repealing in whole or in part any former Act shall be repealed, such last repeal shall not revive the Act or provision before repealed, unless words be added reviving such Act or provision.

Power of Appointment to imply power of Removal.

8. Whenever power shall be given by any Act to the Governor of the Colony, or to the Superintendent of the Province, or to any other officer or person, to make appointments to any office or place, it shall, unless there are words to show a contrary intention, be intended that such power shall be capable of being exercised from time to time, as occasion may require, and that the Governor, Superintendent, officer, or person shall have power to remove or suspend the person appointed, and to appoint permanently or temporarily, as the case may require, another person in his stead, or in the place of any deceased, sick, or absent holder of such office or place.

Powers may be exercised from time to time.

9. Whenever power shall be given to do, perform, or submit to any act, matter, or thing, such power shall be capable of being exercised from time to time as occasion may require, unless the nature of the thing, or the words used, shall indicate a contrary intention.

Power to make Rules, &c., to imply power to revoke, alter, &c.

10. In every enactment whereby power shall be given to any officers or persons to make rules, orders, or regulations, it shall be implied that such officers or persons may revoke, alter, or vary the same from time to time as occasion may

require, unless the terms used or the nature or objects of the power shall indicate that such power is intended to be exercised finally in the first instance.

11. Whenever the doing of anything is prohibited by any Act, the prohibition shall be taken to extend to the causing of such thing to be done, unless there be something in the subject or the words of the Act repugnant thereto. When doing an Act prohibited, causing to be done implied.

12. Whenever any court or person shall be authorized by any Act to hear and determine any matter or thing, such court or person shall have authority to receive and examine evidence, and they are hereby empowered to administer an oath or to take an affirmation from all such witnesses as may be legally called before them. Power to administer Oaths in certain cases.

13. In all cases in which an Oath or Affirmation shall be administered under the authority of this Act, any false evidence, given by any person to whom such Oath shall have been administered, or who shall have made such Affirmation, shall be deemed to be a misdemeanor. False Oath a misdemeanor.

14. In all cases in which a solemn declaration shall be required to be taken or be authorized to be received by any such Act, a false declaration made by any person shall be deemed to be a misdemeanor. False Declaration a misdemeanor.

15. Whenever any fine, penalty, or forfeiture shall be imposed by any Act, but the mode of recovering such fine, penalty, or forfeiture shall not be prescribed by the Act imposing the same, such fine, penalty, or forfeiture shall be recoverable in a summary way. Penalties, &c., to be recovered in a summary way.

16. Any fine, penalty, or forfeiture so to be imposed as aforesaid, may be sued and proceeded for by any person whomsoever, unless by the Act imposing the same the right to sue or proceed shall be expressly given to any officer or person by name or designation. Penalties, &c., may be sued for by any person.

17. All fees, fines, penalties, and forfeitures shall be paid by the persons entitled to receive the same to the Provincial Treasurer, or duly appointed Receiver, for the Public uses of the Province, and the support of the Government thereof, at such times and in such manner as the Superintendent for the time being shall from time to time in that behalf direct, unless special provision be made for the disposal of such fees, fines, penalties, or forfeitures, by the Act imposing the same. Fees, Fines, &c., to be paid over to Provincial Treasurer.

18. The following words and expressions in all Acts shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say), Interpretation of Words.

Words importing the singular number only, shall include "Number." the plural number; and words importing the plural number only, shall include the singular number.

"Gender."	Words importing the Masculine Gender only, shall include females.
"Person."	The word "person" or "party" shall include bodies politic, or corporate, body of Trustees, and any Public Company.
"Her Majesty."	The words "Her Majesty" shall include Her Majesty, her heirs and successors.
"Governor, &c."	The word "Governor" shall be construed to mean the Governor or other person for the time being lawfully administering the Government of New Zealand.
"Officers."	Whenever any person holding or occupying a particular office shall be mentioned or referred to in general terms, such mention or reference shall be taken to include all persons who shall at any time thereafter occupy for the time being the said office.
"Month."	The word "Month" shall mean calendar month.
"Days."	Where any number of "days" shall be specified, the same shall be reckoned exclusively of one and inclusively of the other of the days, from and to which the computation may be directed to be made.
"Land."	The word "Land" shall include messuages, tenements, and hereditaments of any tenure.
"Estate."	The word "Estate" shall include any estate or interest, right, title, charge, claim, demand, lien, or encumbrance, at law or in equity.
"Oath, &c."	The words "Oath," "Swear," and "Affidavit," shall include affirmation, declaration, affirming and declaring, in the case of persons by law allowed to declare or affirm instead of swearing.
"Highway."	The word "Highway" shall include any public or common road, bridge, wharf, and landing-place, carriage-way, cart-way, horse-way, bridle-way, foot-way, street, and causeway.
"Port."	The word "Port" shall include any Roadstead, Harbour, and River.
"Ship."	The term "Ship" shall include every description of vessel employed on the high seas, or on the coasts.
"Boat."	The word "Boat" shall include any boat, barge, punt, or canoe.
"Master."	The word "Master" shall include any person being in command or charge of such ship or boat for the time being.
"Seamen."	The word "Seamen" shall include every person except masters employed or engaged to serve in any capacity on board any ship or vessel.
"Cattle."	The word "Cattle" shall include horses, mares, geldings, foals, colts, fillies, asses, mules, bulls, cows, oxen, heifers, steers, calves, rams, ewes, wethers, lambs, goats, kids, and swine; and shall be deemed and taken to mean and include and apply to any one animal of the said several kinds.
"Carriage."	The word "Carriage" shall include any cart, dray, gig, omnibus, or other vehicle of any description.

19. This Act shall come into operation on the day on ^{Commencement.} which it shall receive the Superintendent's assent.

T. H. BARTLEY,
Speaker.

Passed the Provincial Council this
twenty-seventh day of January,
One thousand eight hundred and
fifty-four.

J. COATES,
Clerk of Provincial Council.

On this third day of February, in the
year one thousand eight hundred
and fifty-four, I assent to this Act
on behalf of the Governor.

R. H. WYNYARD,
Superintendent.