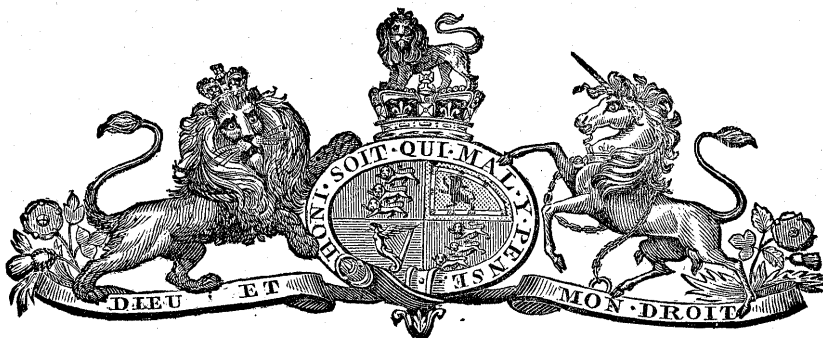


NEW ZEALAND.



QUADRAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No. 14.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Act includes certain Ordinances. 3. General interpretation of words and expressions. "The colony" and "this colony." "Australasian Colonies." "Constitution Act." "Province" or "provincial district." "Provincial Ordinance." "Commencement of Act." "Public General Act." "Enactment." "Gazette," "Government Gazette," and "New Zealand Gazette." "Gazetted." "Her Majesty." "Governor." "Governor in Council." "Attorney-General." "Person." "Company" or "association." "Month." "Oath," "affidavit," "swear." "Statutory declaration." Singular and plural. Masculine gender. "Land." "Vessel." "Vehicle." 4. Orders in Council, warrants, &c. 5. Power by which Orders in Council are made need not be recited. Validity of Orders in Council retrospective. 6. Acts, &c., may be cited by Short Titles. 7. Citation of Acts, &c., not having a Short Title. (1.) Imperial Acts. (2.) Ordinances of New Zealand. (3.) Ordinances of New Munster. (4.) Public General Acts of New Zealand. (5.) Provincial Ordinances. Reference to be made to copies printed by authority. 8. All Acts to be deemed public Acts. 9. Act to be divided into sections. Separate enactments. 10. Acts assented to, when to come into operation. 11. Reserved Acts when to come into operation. 12. Clerk of Parliaments to indorse on Acts day, &c., of assent. | <ol style="list-style-type: none"> 13. Gazetting of Acts unnecessary 14. Acts may be amended in same session. 15. Amendment Acts to be deemed to be incorporated with the principal Act. A reference to an Act to include Acts amending the same. 16. General provisions as to repeals. (1.) Repeal not to affect Act wherein repealed Act is incorporated. (2.) Amended provisions substituted for original provisions, where incorporated in other Acts. (3.) Original provisions in force until amended provisions come into operation. (4.) Repeal of repealing Act not to revive former Acts. (5.) General saving clause in repeals. (6.) Recovery of penalties, notwithstanding repeal. (7.) Criminal and civil proceedings commenced, not to be affected by repeal. (8.) Anything commenced may be continued under repealed Act. (9.) Repealed Act in force in respect of matters arising thereunder. 17. Act as to office of a Minister of the Crown applicable to persons temporarily filling such office. 18. Power of appointment implies any successive exercise thereof. 19. Powers may be exercised from time to time. 20. Power to make rules, orders, or regulations to imply revocation or alteration. 21. Fines, penalties, &c., recoverable summarily. 22. Sundays and holidays. 23. Provisions to have general operation. 24. Repeals. |
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AN Act for the Interpretation of Legislative Enactments, and for Shortening the Language used therein. Title.
[17th October, 1878.]

Interpretation.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

- Short Title. 1. The Short Title of this Act shall be "The Interpretation Act, 1878."
- Act includes certain Ordinances. 2. In this Act, and in all Acts hereafter to be passed by the General Assembly, the word "Act" shall include Ordinances of the Governor, Governor-in-Chief, or Lieutenant-Governor, passed with the advice and consent in each case of the Legislative Council of New Zealand or of New Munster respectively.
- General interpretation of words and expressions. 3. In the construction of this Act, and of all Acts, passed or to be passed, the words and expressions following within inverted commas shall have the meanings hereby assigned to them respectively, unless it be otherwise specially provided, or unless there be something in the subject-matter or context repugnant to such interpretation, that is to say,—
- "The colony" and "this colony." "The colony" and "this colony" severally mean the Colony of New Zealand, the boundaries whereof shall be deemed to comprise all territories, islands, and countries lying between the one hundred and sixty-second degree of East longitude, and the one hundred and seventy-third degree of West longitude, and between the thirty-third and fifty-third parallels of south latitude.
- "Australasian Colonies." "Australasian Colonies" includes the Australian Colonies of Queensland, New South Wales, Victoria, South Australia, Western Australia, and any other colony that may hereafter be created within New Holland or Australia proper; together with Tasmania, Fiji, and New Zealand.
- "Constitution Act." "Constitution Act" means an Act of the Imperial Parliament made and passed in the session held in the fifteenth and sixteenth years of Her Majesty Queen Victoria, chapter seventy-two, intituled "An Act to grant a Representative Constitution to the Colony of New Zealand."
- "Province" or "provincial district." "Province" or "provincial district" means any of the former Provinces of Auckland, Taranaki, Hawke's Bay, Wellington, Nelson, Marlborough, Canterbury, Otago, Southland, or Westland; and includes the County of Westland, as the same was constituted previous to its conversion into a province by virtue of "The Province of Westland Act, 1873."
- "Provincial Ordinance." "Provincial Ordinance" means an Act or Ordinance passed by the Superintendent of any former province, with the advice and consent of the Provincial Council thereof.
- "Commencement of Act." "Commencement of Act," or other similar term, means the day on which the Act referred to comes into operation.
- "Public General Act." "Public General Act" means an Act passed by the General Assembly of New Zealand the provisions whereof are of public and general application.
- "Enactment." "Enactment" includes Act or Ordinance of any former Superintendent and Provincial Council.
- "Gazette," "Government Gazette," and "New Zealand Gazette." "Gazette," "Government Gazette," and "New Zealand Gazette" mean the Gazette published by or under the authority of the Government of New Zealand, and includes any supplement thereof published as aforesaid in any place.
- "Gazetted." "Gazetted" means published in the aforesaid Gazette.
- "Her Majesty." "Her Majesty" includes Her Majesty, her heirs and successors.
- "Governor." "Governor," "Governor-in-Chief," and "Lieutenant-Gover-

Interpretation.

nor," mean the Governor of the colony, and include the person for the time being lawfully administering the Government of New Zealand.

- "Governor in Council" means the Governor acting with the advice and consent of the Executive Council of New Zealand. "Governor in Council."
- "Attorney-General," in respect of any power, duty, authority or function imposed upon or vested in him in virtue of his office as Attorney-General, includes the Solicitor-General. "Attorney-General."
- "Person" includes a corporation. "Person."
- "Company" or "association," where used in reference to a corporation, includes the successors and assigns of such company or association. "Company" or "association."
- "Month" means calendar month. "Month."
- "Oath" and "affidavit" include affirmation and statutory declaration; and the word "swear" shall include affirm and declare in the case of persons allowed by law to affirm or declare instead of swearing, and in any case of voluntary and other declaration authorized by law. "Oath," "affidavit," "swear."
- "Statutory declaration" means a declaration made in Great Britain or Ireland, or any British Colony, or New Zealand, before a Justice of the Peace, notary public, or other person having authority to take or receive a declaration under any law for the time being in force; and, if made in any foreign country, means a like declaration made before a British Consul or Vice-Consul, or other person having authority to take or receive such a declaration under any Act of the Imperial Parliament for the time being in force authorizing the taking or receiving thereof. "Statutory declaration."
- Words importing the singular number include the plural number, and words importing the plural number include the singular number, and words importing the masculine gender include females. Singular and plural. Masculine gender.
- "Land" includes messuages, tenements, and hereditaments, houses, and buildings, unless there are words to exclude houses and buildings, or to restrict the meaning to tenements of some particular tenure. "Land."
- "Vessel" includes every description of water-craft or other artificial contrivance used, or capable of being used, as a means of transportation on water. "Vessel."
- "Vehicle" includes every description of carriage or other artificial contrivance used, or capable of being used, as a means of transportation on land. "Vehicle."

4. Whenever in any Act passed or to be passed, or in any Provincial Ordinance already passed, it is provided that any power, function, act, matter, or thing whatsoever shall or may be exercised, performed, issued, made, or done (which in this section of this Act hereinafter is called "an exercise of authority") by the Governor in Council, or by the Governor with the advice and consent of the Executive Council of New Zealand, or where in any such Act or Provincial Ordinance any other like expression is used,—

Orders in Council, warrants, &c.

It shall be sufficient if the advice and consent of such Executive Council be signified to such exercise of authority at a meeting of the said Executive Council, should the Governor be prevented from attending or presiding thereat by some necessary or reasonable cause, if such meeting be duly convened and held in accordance with any Royal instructions relating thereto for the time being in force.

On the advice and consent of the Executive Council being

Interpretation.

signified in manner aforesaid, it shall be lawful for the Governor to exercise the authority in like manner as if he had himself been present at the meeting at which such advice and consent were signified.

Every authority exercised in the above manner shall take effect from the time the same is gazetted, unless some other time is named or fixed, or is expressly provided by law for the taking effect thereof.

No authority exercised in manner aforesaid by the Governor either before or after the coming into operation of this Act shall be called in question in any Court of law, or before any Judge, Commissioner, or Justice, on the ground that the Governor was not prevented by any necessary or reasonable cause from attending any such meeting of the Executive Council as aforesaid.

Power by which
Orders in Council are
made need not be
recited.

5. Where, by any Act or Ordinance, it is provided that the Governor in Council, or the Governor, or any officer or person named therein, is empowered to make or issue any Order in Council, Proclamation, Warrant, or other instrument, it shall be sufficient to cite the Act or Ordinance, and the number of the section or clause thereof, authorizing the making or issuing of the same, and it shall not be necessary to recite or set forth any facts or circumstances or the performance of any conditions precedent upon which such power depends or may be exercised.

Validity of Orders in
Council retrospective.

All Orders in Council, Proclamations, Warrants, orders, or instruments heretofore issued or made, and all acts, matters, and things done thereunder, shall be as valid and effectual to all intents and purposes as if this provision had been in force when such Proclamation, Order in Council, Warrant, order, or instrument was issued or made.

Acts, &c., may be
cited by Short Titles.

6. Every Act passed or to be passed, and every Provincial Ordinance already passed, having a Short Title, may for all purposes be cited by such Short Title.

Citation of Acts, &c.,
not having a Short
Title.

7. In citing or making reference to any Act or Provincial Ordinance not having a Short Title, it shall not be necessary to recite the title of the Act or Provincial Ordinance, nor the provision of any section referred to, but it shall be sufficient for all purposes of such citation or reference—

Imperial Acts.

(1.) In the case of Acts of the Imperial Legislature,—

If such Act was made before the seventh year of Henry the Seventh, to cite the year of the King's reign in which it was made, and where there are more Statutes than one in the same year the Statute, and where there are more chapters than one the chapter.

If such Act was made after the fourth year of Henry the Seventh, to cite the year of the reign, and where there are more Statutes or sessions than one in the same year the Statute or the session (as the case may require), and where there are more chapters, numbers, or sections than one, the chapter, number, or section, or chapter or number and section (as the case may require).

Ordinances of New
Zealand.

(2.) In the case of Ordinances of the Governor, Governor-in-Chief, or Lieutenant-Governor and Legislative Council of New Zealand, to cite the session in which such Ordinance was made, together with the number of the Ordinance.

Ordinances of New
Munster.

(3.) In the case of Ordinances of the Lieutenant-Governor and the Legislative Council of New Munster, to cite the same as an Ordinance of New Munster, together with the year of our Lord in which the Ordinance was made, and the number of the Ordinance.

Interpretation.

(4.) In the case of Public General Acts of the General Assembly, to cite the year of our Lord in which the Act was made, and the number of the Act. Public General Acts of New Zealand.

(5.) In the case of Provincial Ordinances, to cite the name of the province wherein the Ordinance was made, together with the session in which the same was made, and the number of the Ordinance. Provincial Ordinances.

The reference in all cases shall be made, in the case of Imperial Acts, according to the copies of statutes printed by the Queen's Printer, or to the copies thereof contained in the reports of the Commissioners of Public Records; in the case of Acts and Ordinances of New Zealand, and of Ordinances of New Munster, according to the copies of such Acts and Ordinances published by the Government Printer; and in the case of Provincial Ordinances, according to the copies of such Ordinances printed or purporting to be printed under the authority of the Government of the particular province wherein such Ordinance was made. Reference to be made to copies printed by authority.

8. Every Act passed or to be passed 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 the Act. All Acts to be deemed public Acts.

9. All Acts 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. Act to be divided into sections. Separate enactments.

10. Every Act already or which may hereafter be passed, which does not prescribe the time from which it is intended to take effect, and which shall have been assented to in Her Majesty's name, shall be deemed to have come into operation, or shall come into operation, as the case may be, on the day on which it shall have received or shall receive the Governor's assent, as the case may be. Acts assented to, when to come into operation.

11. Every Act already or which may hereafter be passed which does not prescribe the time from which it is intended to take effect, and which shall have been or shall be reserved for the signification of Her Majesty's pleasure thereon, shall be deemed to have come into operation, or shall come into operation, as the case may be, on the day on which the Governor, by Speech, Message, or Proclamation, shall have signified, or shall signify, as the case may be, that Her Majesty has assented to the same. Reserved Acts when to come into operation.

12. The Clerk of Parliaments shall insert in this Act and every Act to be hereafter passed, immediately after the title thereof, the day, month, and year when the same shall have been assented to by the Governor, in Her Majesty's name; and when any Act shall have been reserved by the Governor for the signification of Her Majesty's pleasure thereon, then the day, month, and year on which the Governor, by such Speech, Message, or Proclamation as aforesaid, shall have signified that Her Majesty has assented to such Act; and every such date shall be taken to be a part of the Act, and to be the date of its commencement when no other commencement shall be therein provided. Clerk of Parliaments to indorse on Acts day, &c., of assent.

13. Section sixty of the Constitution Act is hereby repealed, and it shall not be necessary to gazette the Acts passed by the General Assembly in any session thereof; but copies of all such Acts shall be procurable by purchase, at such places in the colony as the Governor from time to time may appoint. Gazetting of Acts unnecessary.

Nothing in this section contained shall preclude the Governor from directing that any Act shall be gazetted, at such times as he shall think fit.

14. Every Act may be altered, amended, or repealed in the same session of the General Assembly of New Zealand in which it may be passed. Acts may be amended in same session.

Interpretation.

fast or thanksgiving, or on any proclaimed public holiday, such thing may be done on the next day, unless it is one of the days hereinabove mentioned, then on the day following.

Provisions to have
general operation.

23. The foregoing provisions of this Act shall be deemed to apply and may be applied equally to all Acts and Provincial Ordinances heretofore passed, and to this Act and to all Acts hereafter to be passed, by the General Assembly.

Repeals.

24. "The Interpretation Act, 1868," "The Interpretation Act Amendment Act, 1872," and "The Interpretation Act Amendment Act, 1873," are hereby repealed; but such repeal shall not affect any act or thing lawfully done under the said Acts or either of them before the coming into operation of this Act; and all such acts and things shall continue to have the same force and effect as if this Act had not been passed.

WELLINGTON, NEW ZEALAND

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