

New Zealand.



ACTS INTERPRETATION.

1908, No. 1.

*See 1906 No. 2 & 3*

AN Act to consolidate certain Enactments of the General Assembly relating to the Interpretation of Legislative Enactments.

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

1. (1.) The Short Title of this Act is "The Acts Interpretation Act, 1908."

Short Title.

(2.) This Act is a consolidation of the enactments mentioned in the Schedule hereto.

Enactments consolidated.

2. This Act, and every provision hereof, shall extend and apply to every Act of the General Assembly of New Zealand now or hereafter passed, except in so far as any provision hereof is inconsistent with the intent and object of any such Act, or the interpretation that any provision hereof would give to any word, expression, or section in any such Act is inconsistent with the context, and except in so far as any provision hereof is inconsistent with any particular definition or interpretation contained in any such Act.

Act to apply to all Acts of Assembly. 1888, No. 15, sec. 2

3. This Act shall also apply to every Act of the Imperial Parliament in force in New Zealand, except where inconsistent with the context of such last-mentioned Act, or where such application would be in contradiction of the provisions of any Royal Proclamation, Order of the Privy Council, or other instrument issued under the authority of such Act.

Also to Imperial Acts. Ibid, sec. 3

4. It shall not be necessary to insert in any Act a declaration that this Act applies thereto in order to make it so apply.

Declaration that Act applies unnecessary. Ibid, sec. 2

*Interpretation of Terms.*

5. In every Act of the General Assembly, if not inconsistent with the context thereof respectively, and unless there are words to exclude or to restrict such meaning, the words and phrases follow—

General interpretation of terms. Ibid, sec. 4 1908, No. 18, sec. 2

ing shall severally have the meanings hereinafter stated, that is to say:—

- “Act” means an Act of the General Assembly, and includes all rules and regulations made thereunder:
- “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:
- “Australasian Colonies” means the Commonwealth of Australia as now or hereafter constituted, together with New Zealand and Fiji:
- “Australian Colonies” includes every State now or hereafter forming part of the Commonwealth of Australia:
- “Commencement of Act,” or other similar term, means the day on which the Act referred to comes into operation:
- “Company” or “association,” where used in reference to a corporation, includes the successors and assigns of such company or association:
- “Constable” includes a police officer of any rank:
- “Constitution Act” means the Imperial Act passed in the fifteenth and sixteenth years of Victoria, chapter seventy-two, intituled “An Act to grant a Representative Constitution to the Colony of New Zealand,” and includes the several Imperial Acts amending the same:
- “Gazette,” “Government Gazette,” and “New Zealand Gazette,” mean the *Gazette* published, or purporting to be published, by or under the authority of the Government of New Zealand, and includes any supplement thereof published as aforesaid in any place:
- “Gazetted” means published in the aforesaid *Gazette*:
- “General Assembly” means the General Assembly of New Zealand, consisting of the Governor, the Legislative Council, and the House of Representatives:
- “Government Printer” means the printer to the New Zealand Government at Wellington purporting to be the printer authorised to print the statutes of the General Assembly and the Acts of State of New Zealand, and otherwise to be the Government Printer of New Zealand:
- “Governor” means the Governor of New Zealand, and includes the Lieutenant-Governor, and the person for the time being lawfully administering the Government of New Zealand:
- “Governor in Council,” or any other like expression, means the Governor, acting by and with the advice and consent of the Executive Council of New Zealand:
- “His Majesty,” “the King,” or “the Crown” means His Majesty the King of the United Kingdom of Great Britain and Ireland, and includes his heirs and successors, Sovereigns of the said kingdom:
- “Holiday” includes Sundays, Christmas Day, New Year’s Day, Good Friday, and any day declared by any Act to be a public holiday, or proclaimed by the Governor as

- set apart for a public fast or thanksgiving, or as a public holiday :
- “Imperial Act” means an Act made and passed by the Imperial Parliament :
- “Imperial Parliament” means the Parliament of the United Kingdom of Great Britain and Ireland :
- “Justice” means a Justice of the Peace having jurisdiction in New Zealand :
- “*Kahiti*” or “*Maori Gazette*” means a *Gazette* published in the Maori language by or under the authority of the Government, containing such notices and matters as are required by any Act to be published in the Maori language, or are directed by the Government to be inserted therein :
- “Land” includes messuages, tenements, hereditaments, houses, and buildings, unless there are words to exclude houses and buildings, or to restrict the meaning to tenements of some particular tenure :
- “Local authority” means any Council, Board, Trustees, Commissioners, or other persons, by whatever name designated, intrusted under any Act with the administration of the local affairs of any city, town, place, borough, county, or district, and having power to make and levy rates :
- “Magistrate” means any Stipendiary Magistrate appointed under “The Magistrates’ Courts Act, 1908” :
- “Month” means calendar month :
- “North Island” means the island commonly known as the North Island, and includes all islands adjacent thereto north of Cook Strait; and “South Island” means the island commonly known as the “South Island” or “Middle Island,” and includes all islands adjacent thereto lying south of Cook Strait :
- “Oath” and “affidavit” include affirmation and statutory declaration; “swear” includes “affirm” and “declare,” in the case of persons allowed by law to affirm or declare instead of swearing, or in any case of voluntary and other declarations authorised or required by law :
- “Order in Council” means an order made by the Governor in Council :
- “Parliament” means both Houses of the General Assembly of New Zealand in Parliament assembled :
- “Person” includes a corporation sole, and also a body of persons, whether corporate or unincorporate :
- “Proclamation” means a Proclamation made by the Governor under his sign-manual and the seal of New Zealand and gazetted :
- “Province” or “provincial district” means any of the former Provinces of Auckland, Taranaki, Hawke’s Bay, Wellington, Nelson, Marlborough, Canterbury, Otago, or Westland :

“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:

“Public notification” or “public notice,” in relation to any matter not specifically required by law to be published *in extenso*, means a notice published in the *Gazette*, or in one or more newspapers circulating in the place or district to which the act, matter, or thing required to be publicly notified relates or refers, or in which it arises:

“Statutory declaration,” if made—

(i.) In New Zealand, means a declaration made under “The Justices of the Peace Act, 1908”;

(ii.) In the United Kingdom or any British possession other than New Zealand, means a declaration made before a Justice of the Peace, notary public, or other person having authority therein to take or receive a declaration under any law for the time being in force;

(iii.) In any foreign country, means a like declaration made before a British Consul or Vice-Consul, or before any person having authority to take or receive such a declaration under any Act of the Imperial Parliament or the General Assembly for the time being in force authorising the taking or receiving thereof:

“Supreme Court” means the Supreme Court of New Zealand:

“The colony,” “this colony,” “the Dominion,” and “New Zealand,” when used as a territorial description, mean the Dominion of New Zealand, comprising all territories within the limits thereof for the time being:

“United Kingdom” means the United Kingdom of Great Britain and Ireland:

“Writing,” “written,” or any term of like import, includes words printed, painted, engraved, lithographed, or otherwise traced or copied; and where anything is required to be written it may be partly in writing and partly in print:

Singular and plural.

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:

Masculine gender.

References to persons, places, or things.

Words referring to any country, locality, district, place, body, corporation, society, officer, office, functionary, person, party, or thing shall be construed distributively as referring to each country, locality, district, place, corporation, society, officer, office, functionary, person, party, or thing to whom or to which the provision is applicable:

Names of persons or places in general use.

The name commonly applied to any country, place, body, corporation, society, officer, functionary, person, party, or thing, means such country, locality, district, place, body, corporation, society, officer, office, functionary, person, party, or thing, although such name is not the formal and extended designation thereof.

*Construction of Acts, &c.*

6. The following provisions shall have effect in relation to every Act of the General Assembly except in cases where it is otherwise specially provided:—
- (a.) Every Act shall be deemed to be a public Act unless by express provision it is declared to be a private Act. General rules.  
1888, No. 15, sec. 5  
  
Act to be deemed a public Act.
- (b.) Every Act shall be divided into sections if there are more enactments than one, which sections shall be deemed to be substantive enactments, without any introductory words. Act to be divided into sections.
- (c.) Every Act passed in amendment or extension of a former Act shall be read and construed according to the definitions and interpretations contained in such former Act; and the provisions of the said former Act (except so far as the same are altered by or inconsistent with the amending Act or Acts) shall extend and apply to the cases provided for by the amending Act or Acts, in the same way as if the amending Act or Acts had been incorporated with and formed part of the former Act. Amendment Act to be read with principal Act.
- (d.) The law shall be considered as always speaking, and whenever any matter or thing is expressed in the present tense the same shall be applied to the circumstances as they arise, so that effect may be given to each Act and every part thereof, according to its spirit, true intent, and meaning. Act deemed always speaking in the present.
- (e.) The preamble of every Act shall be deemed to be part thereof, intended to assist in explaining the purport and object of the Act. Preamble forms part of Act.
- (f.) Marginal notes to an Act shall not be deemed to be part of such Act. Marginal notes not part of Act.
- (g.) Every Schedule or Appendix to an Act shall be deemed to be part of such Act. Schedules and Appendices deemed part of Act.
- (h.) Wherever forms are prescribed, slight deviations therefrom, but to the same effect and not calculated to mislead, shall not vitiate them. Variation of forms.
- (i.) Every Act, and every provision or enactment thereof, shall be deemed remedial, whether its immediate purport is to direct the doing of anything Parliament deems to be for the public good, or to prevent or punish the doing of anything it deems contrary to the public good, and shall accordingly receive such fair, large, and liberal construction and interpretation as will best insure the attainment of the object of the Act and of such provision or enactment, according to its true intent, meaning, and spirit. Acts to be deemed remedial.
- (j.) No provision or enactment in any Act shall in any manner affect the rights of His Majesty, his heirs or successors, unless it is expressly stated therein that His Majesty shall be bound thereby; nor, if such Act is of the nature of a private Act, shall it affect the rights of any person or of any body politic or corporate, except only as is therein expressly mentioned. Acts not to apply to His Majesty unless expressly provided.

Acts may be amended in same session.

(4.) Every Act may be altered, amended, or repealed in the same session of the General Assembly in which it is passed.

Application of penal Acts to bodies corporate.  
1903, No. 18, sec. 6

7. (1.) In the construction of every enactment relating to an offence punishable on indictment, or on summary conviction, the expression "person" shall, unless the contrary intention appears, include a body corporate.

(2.) Where under any legislative enactment any fine or forfeiture is payable to a party aggrieved, the same shall be payable to a body corporate where such body is the party aggrieved.

(3.) This section applies to any legislative enactment, whether passed before or after the coming into operation of this Act.

Interpretation of rules, &c.  
Ibid, sec. 8

8. Where an Act confers a power to make rules, regulations, or by-laws, expressions used in any such rules, regulations, or by-laws shall, unless the contrary intention appears, have the same meanings as in the Act conferring the power.

#### *Commencement of Acts.*

Acts assented to, when to come into operation.  
1888, No. 15, sec. 6

9. Every Act assented to by the Governor in His Majesty's name that does not prescribe the time from which it is to take effect shall come into operation on the day on which it receives the Governor's assent.

Acts reserved, when to come into operation.  
Ibid, sec. 7

10. Every Act reserved by the Governor for the signification of His Majesty's pleasure thereon that does not prescribe the time from which it is intended to take effect shall come into operation on the day whereon the Governor signifies, by Speech, Message, or Proclamation, that His Majesty has assented to the same.

Clerk of Parliaments to insert in Acts day of assent, &c.  
Ibid, sec. 8

11. The Clerk of Parliaments shall insert in every Act, immediately after the title thereof, the day, month, and year when the same is assented to by the Governor in His Majesty's name, and, where any Act is reserved by the Governor for the signification of His Majesty's pleasure thereon, then the day, month, and year on which the Governor, by such Speech, Message, or Proclamation as aforesaid, signifies that His 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 commencement where no other commencement is therein provided.

Actual time of commencement.  
1903, No. 18, sec. 3

12. Where in an Act, or in any Order in Council, order, warrant, scheme, rules, regulations, or by-laws made or issued under a power conferred by any Act, it is expressly provided that the same shall come into operation on a particular day, then the same shall be deemed to come into operation immediately on the expiration of the previous day.

Exercise of statutory powers between passing and commencement of an Act.  
Ibid, sec. 4

13. Where an Act that is not to come into operation immediately on the passing thereof confers power to make any appointment, to make or issue any instrument (that is to say, any Proclamation, Order in Council, order, warrant, scheme, rules, regulations, or by-laws), to give notices, to prescribe forms, or do anything for the purposes of the Act, that power may, unless the contrary intention appears, be exercised at any time after the passing of the Act, so far as may be necessary or expedient for the purpose of bringing the Act into

operation at the date of the commencement thereof, subject to this restriction: that any instrument made under the power shall not, unless the contrary intention appears in the Act or the contrary is necessary for bringing the Act into operation, itself come into operation until the Act comes into operation.

14. It shall not be necessary to gazette the Acts of the General Assembly; but copies of all such Acts shall be procurable by purchase, at the office of the Government Printer.

Gazetting of Acts unnecessary.  
1888, No. 15, sec. 9

*Citation of Acts.*

15. Every Act and every Provincial Ordinance having a Short Title may for all purposes be cited by such Short Title.

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

16. 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,—

Ibid, sec. 10

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

Ibid, sec.

(a.) In the case of Imperial Acts,—

Imperial Acts.

(i.) 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;

(ii.) 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 and 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):

(b.) 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 Zealand.

(c.) In the case of Acts of the General Assembly, to cite the year in which the Act was made, and the number of the Act:

Acts of the General Assembly.

(d.) 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.

17. The reference to any Act or Ordinance shall in all cases be made,—

Reference to be made to copies printed by authority.

(a.) In the case of Imperial Acts, according to the copies of statutes printed by the King's Printer:

Ibid, sec. 11

(b.) In the case of Acts and Ordinances of New Zealand, according to the copies of such Acts and Ordinances published, or purporting to be published, by the Government Printer, or under the authority of the Government of New Zealand for the time being:

(c.) 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.

Citation of an Act includes a citation of all amendments. 1888, No. 15, sec. 12

18. A reference to or citation of any Act includes therein the citation of all subsequent enactments passed in amendment or substitution of the Act so referred to or cited, unless it is otherwise manifested by the context.

Citation of a portion of Act includes the first and last words of portion cited. Ibid, sec. 13

19. A description or citation of a portion of an Act is inclusive of the first and last words, section, or other portion of the Act so described or cited.

#### *Repeal of Acts.*

General provisions as to repeals. Ibid, sec: 21

20. The provisions following shall have general application in respect to the repeals of Acts, except where the context manifests that a different construction is intended, that is to say:—

Repeal of repealing Act not to revive former Acts.

(a.) The repeal of an Act wholly or in part shall not prevent the effect of any saving clause therein, and shall not revive any enactment previously repealed, unless words be added reviving such last-mentioned enactment.

Repeal not to affect Act wherein repealed Act is incorporated.

(b.) The repeal of any enactment shall not affect any Act in which such enactment has been applied, incorporated, or referred to.

Original provisions in force until substituted provisions come into force.

(c.) Whenever any provisions of an Act are repealed, and other provisions are substituted in their place, the provisions so repealed remain in force until the substituted provisions come into operation.

Saving of existing appointments, &c. 1903, No. 18, sec. 5

(d.) Where an Act consolidating the law on any subject repeals any Act relating to that subject, and contains provisions substantially corresponding to those of the repealed Act for the constitution of districts or offices, the appointment of officers, the making or issuing of Proclamations, orders, warrants, certificates, rules, regulations, by-laws, or for other similar exercise of statutory powers, all such powers duly exercised under the repealed Acts and in force at the time of the repeal shall, in so far as they are not inconsistent with the repealing Act, continue with the like operation and effect as if they had been exercised under the corresponding provisions of the repealing Act.

General saving clause in repeals. 1888, No. 15, sec. 21

(e.) The repeal of an Act or the revocation of a by-law, rule, or regulation at any time shall not affect—

(i.) The validity, invalidity, effect, or consequences of anything already done or suffered; or

(ii.) Any existing status or capacity; or

(iii.) Any right, interest, or title already acquired, accrued, or established, or any remedy or proceeding in respect thereof; or

(iv.) Any release or discharge of or from any debt, penalty, claim, or demand; or

(v.) Any indemnity; or

(vi.) The proof of any past act or thing; or



(vii.) Any right to any of His Majesty's revenues of the Crown; or affect any charges thereupon, or any duties, taxes, fees, fines, penalties, or forfeitures, or prevent any such Act, by-law, or regulation from being put in force for the collection or recovery of any such revenues, charges, duties, taxes, fees, fines, penalties, or forfeitures, or otherwise in relation thereto.

(f.) The repeal of an Act shall not revive anything not in force or existing at the time when the repeal takes effect. 1906, No. 58, sec. 7

(g.) Any enactment, notwithstanding the repeal thereof, shall continue and be in force for the purpose of continuing and perfecting under such repealed enactment any act, matter, or thing, or any proceedings commenced or in progress thereunder, if there be no substituted enactments adapted to the completion thereof. Matters in progress may be concluded under repealed Acts. 1888, No. 15, sec. 21

(h.) Notwithstanding the repeal or expiry of any enactment, every power and act which may be necessary to complete, carry out, or compel the performance of any subsisting contract or agreement lawfully made, entered into, or commenced under such enactment may be exercised and performed in all respects as if the said enactment continued in force; and all offences committed, or penalties or forfeitures incurred, before such repeal or expiry may be prosecuted, punished, and enforced as if such enactment had not been repealed or had not expired. Contracts, agreements, &c., may be enforced under repealed Acts.

21. (1.) In every unrepealed Act in which reference is made to any repealed Act such reference shall be construed as referring to any subsequent enactment passed in substitution of such repealed Act, unless it is otherwise manifested by the context. Reference to repealed Act in unrepealed Act. Ibid, sec. 14

(2.) All the provisions of such subsequent enactment, and of any enactment amending the same, shall, as regards any subsequent transaction, matter, or thing, be deemed to have been applied, incorporated, or referred to in the unrepealed Act.

*General Provisions.*

22. (1.) Where in any Act any act, power, function, or duty is required to be done, exercised, or performed by the Governor in Council (in this section called an "exercise of authority"), or where in any such Act any other like expression is used, it shall be sufficient if the advice and consent of the Executive Council to such exercise of authority is signified at a meeting of the Council, although the Governor is prevented from attending or presiding thereat by some necessary or reasonable cause, if such meeting is duly convened and held in accordance with any Royal Instructions relating thereto for the time being in force. Orders in Council, &c., how advice and consent of Executive Council may be signified. Ibid, sec. 22

(2.) On the advice and consent of the Executive Council being signified in manner aforesaid, the Governor may exercise the authority in like manner as if he had himself been present at the meeting at which such advice and consent were signified.

(3.) Every authority exercised in the above manner shall take effect from the date of the aforesaid meeting, unless some other time

is named or fixed or is expressly provided by law for the taking-effect thereof.

(4.) No authority exercised in manner aforesaid by the Governor shall be called in question in any Court 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.

Authority under which Orders in Council, &c., made need not be recited. 1888, No. 15, sec. 23

23. Where by any Act the Governor in Council, or the Governor, or any officer or person named therein, is empowered to make or issue any Proclamation, Order in Council, warrant, or other instrument, it shall be sufficient to cite therein the particular Act authorising the making or issuing of the same; and it shall not be necessary to recite or set forth therein any facts or circumstances or the performance of any conditions precedent upon which such power depends or may be exercised.

Provisions as to—  
Limitation of time, holidays, &c.  
Ibid, sec. 24

24. In every Act, unless the context otherwise requires,—

(a.) If the time limited by any Act for any proceeding, or the doing of anything under its provisions, expires or falls upon a holiday, the time so limited shall be extended to and such thing may be done on the day next following which is not a holiday; and all further changes of time rendered necessary by any such alteration may also lawfully be made:

Exercise of authority by Magistrate or Justice.

(b.) If anything is directed to be done by or before a Magistrate or a Justice of the Peace, or other public functionary or officer, it shall be done by or before one whose jurisdiction or powers extend to the place where such thing is to be done:

Words applying to a Minister or public functionary apply to persons temporarily filling such offices.

(c.) Words directing or empowering a responsible Minister of the Crown to do any act or thing, or otherwise applying to him by his title of office, include any member of the Executive Council of New Zealand (being a responsible Minister of the Crown) acting for or, if the office is vacant, in the place of such Minister, and also his successors in such office; and

Words directing or empowering any other public officer or functionary to do any act or thing, or otherwise applying to him by his name of office, include his successors in such office, and his or their lawful deputy:

Power of appointment includes power of removal, &c.

(d.) Words authorising the appointment of any public officer or functionary, or any deputy, include the power to remove or suspend him, or reappoint or reinstate him, or appoint another in his stead, in the discretion of the authority in whom the power of appointment is vested; and in like manner to appoint another in the place of any deceased, absent, or otherwise incapacitated holder of such appointment:

Powers may be exercised from time to time.

(e.) Power given to do any act or thing, or submit to any matter or thing, or to make any appointment, is capable of being exercised from time to time, as occasion may require, unless the nature of the words used or the thing itself indicates a contrary intention:

- (f.) Power given to make by-laws, rules, orders, or regulations includes the power from time to time to revoke the same absolutely, in whole or in part, or revoke and vary the same in part or in whole and substitute others, unless the terms or the nature and object of the power indicate that it is intended to be exercised either finally in the first instance or only under certain restrictions :
- (g.) Where an act or omission constitutes an offence under more Acts or sections of an Act than one, the offender shall be liable to be prosecuted and punished under any one of those Acts or sections, but shall not be liable to be punished twice for the same offence.
25. The provisions of this Act shall apply to the construction hereof, and to the words and expressions used herein.

Power to make by-laws, rules, &c., includes power of revocation or alteration.

Offences punishable under more than one enactment. 1903, No. 18, sec. 7

Provisions of this Act to apply thereto. 1888, No. 15, sec. 25

*Abolition of Provinces.*

26. Subject to the provisions of any Act passed after the abolition of the provinces by "The Abolition of Provinces Act, 1875," the following provisions shall be deemed to have had effect from the date of such abolition :—
- (a.) The portion of New Zealand included within any province abolished as aforesaid shall be called a provincial district, and bear the same name as the abolished province which it comprised.
- (b.) Within the district included within any such province all laws in force therein at the date of the abolition of the province shall, except so far as the same were expressly or impliedly altered or repealed by the aforesaid Act, and so far as the same are applicable, continue in force in such district until altered or repealed by the General Assembly.
- (c.) All powers, duties, and functions which immediately before the date of the abolition as aforesaid of any province were, under or by virtue of any law not expressly or impliedly repealed or altered by the aforesaid Act, vested in or to be exercised or performed by the Superintendent of such abolished province, either alone or with the advice and consent of or on the recommendation of the Executive or Provincial Council of such province, or which by virtue of "The Public Reserves Act, 1854," or any Act amending the same, or by virtue of any Waste Lands Act or any regulations made thereunder, or otherwise howsoever, would but for the passing of the aforesaid Act have been exercised only under an Ordinance of such abolished province, shall, for the purposes of the district included within such abolished province, vest in and be exercised and performed by the Governor.
- (d.) Such powers, duties, and functions may be exercised or performed by the Governor as regards the district with respect to which they may be exercised or performed, whether the Governor is for the time being within such district or not.

Provisions relating to the abolition of provinces.

District within abolished province to be a provincial district. 1875, No. 21, sec. 4

Laws, as far as applicable, to remain in force in district comprised within abolished provinces till altered. Ibid, sec. 5

Superintendents' powers to vest in Governor. Ibid, sec. 7

Power to delegate.

Functions performable by provincial officers to be performed after abolition by persons appointed by Governor.  
1875, No. 21, sec. 8

Real and personal property, &c., vested in Superintendents to vest in the Crown.  
Ibid, sec. 9

Ibid, sec. 2

Contracts and actions.  
Ibid, sec. 11

Interpretation of Acts of Assembly and Ordinances after abolition of provinces.  
Ibid, sec. 12

(e.) All powers, duties, and functions which immediately before the date of the abolition of any province were, under or by virtue of any law not expressly or impliedly repealed by the aforesaid Act, vested in or to be exercised or performed by the Provincial Treasurer, Provincial Secretary, or other public officer of such abolished province shall, for the purpose of the district included within such abolished province, vest in and be exercised or performed by any person or persons from time to time appointed for the purpose by the Governor.

(f.) Except as hereinafter provided, all lands, tenements, goods, chattels, moneys, and things in action, and all real and personal property whatever, and all rights and interests therein which immediately before the date of the abolition of any province were vested in or belonged to the Superintendent of any province as such Superintendent shall, on the date of the abolition thereof, vest in the Crown for the same purposes and objects, and subject to the same powers and conditions, as those for and subject to which they were held by the Superintendent.

(g.) All revenues and moneys, and all securities for such moneys, which on the date of the abolition of any province were the property of or invested on behalf of such province shall, on the date of the abolition thereof, vest in the Crown:

Provided that if at the date of the abolition of any province any moneys or revenues of such province were specifically set apart and available for public works or other purposes within such province, or any district thereof, such moneys or revenues shall be applicable to such purposes accordingly.

(h.) For the purposes of the *last preceding* paragraph "public works" means and includes branch railways, tramways, main roads, public bridges and ferries on main roads, docks, quays, piers, wharves, and harbour-works, reclamation of land from the sea, protection of land from encroachment or destruction by sea or river.

(i.) All contracts existing immediately before the date of the abolition of any province, and all actions, proceedings, and things begun and not completed at the date of such abolition of, by, or against the Superintendent of such abolished province, as such, shall belong and attach to and be enforced by and against the Crown.

(j.) In every Act of the General Assembly, except such as relate to the election of Superintendents and Provincial Councils, and to legislation by such Councils and the appointment of Deputy Superintendents, and to audit of provincial accounts, and matters of a like kind, and in every Act or Ordinance of the Legislature of an abolished province, the words and expressions following shall, with regard to any provincial district, include the meanings hereafter attached to them, that is to say:—

(i.) The word "province" shall include "provincial district," and when the name of any abolished province is used, or any province is otherwise expressly referred to, the enactment shall be deemed to mean and apply to the provincial district of that name.

(ii.) The word "Superintendent" shall, with respect to such provincial district, mean the Governor, or any person or persons whom the Governor may from time to time appoint to perform those duties and exercise those powers which might, if such duties and powers had to be performed within a province, be exercised or performed by the Superintendent thereof.

(iii.) The expression "Provincial Gazette" or "Provincial Government Gazette," or other similar expressions shall be deemed to mean "*The New Zealand Gazette*," or such newspaper as from time to time may be appointed by the Governor for the purpose of inserting therein notifications of any kind relating to the government of New Zealand, or the administration of government within any provincial district.

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## SCHEDULE.

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### ENACTMENTS CONSOLIDATED.

1875, No. 21.—"The Abolition of Provinces Act, 1875."

1888, No. 15.—"The Interpretation Act, 1888."

1903, No. 18.—"The Interpretation Act Amendment Act, 1903."

1906, No. 58.—"The Statute Law Amendment Act, 1906": Section 7.