

ACTS INTERPRETATION AMENDMENT BILL

EXPLANATORY NOTE

SECTION 20A of the Acts Interpretation Act 1924 makes general provision saving documents made and things done under Acts, regulations, Orders in Council, rules, and notices that are repealed or revoked and replaced by a later enactment. That section applies only to documents made and things done under enactments repealed or revoked after the section came into force.

It has recently been decided by the Magistrate's Court on a prosecution for an offence against regulations made under the Harbours Act 1950 that the regulations had lapsed by reason of the fact that the provision authorising the making of the regulations had, after the making of the regulations, been repealed and replaced by an amended provision, and that the regulations would have been saved under the Acts Interpretation Act 1924 only if the whole of the Harbours Act 1950 had been repealed and replaced by a consolidating Act. The effect of this decision is to throw doubt on the continuing validity of things done under provisions of other Acts (e.g., bylaws made by local authorities) which had been repealed and replaced before section 20A came into force.

The purpose of this Bill is to save the effect of any thing done under a provision repealed and replaced before section 20A came into force if it would have been saved had the section been in force at the time of the repeal.

Hon. Mr Hanani

ACTS INTERPRETATION AMENDMENT

ANALYSIS

Title	1. Short Title
	2. Savings

A BILL INTITULED

An Act to amend the Acts Interpretation Act 1924

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

1. Short Title—This Act may be cited as the Acts Interpretation Amendment Act 1962, and shall be read together with and deemed part of the Acts Interpretation Act 1924* (hereinafter referred to as the principal Act).

10 2. Savings—Section 20A of the principal Act (as inserted by section 2 of the Acts Interpretation Amendment Act 1960) is hereby amended by adding, as subsection (2), the following subsection:

*1957 Reprint, Vol. 1, p. 1
Amendment: 1960, No. 50

No. 48—1

“(2) Where before the commencement of this section any provision of any Act, Order in Council, notice, regulations, or rules has been repealed or revoked, any document made or any thing whatsoever done under the provision so repealed or revoked or under any corresponding former provision that would have continued and had effect if this section had been in force at the time of the repeal or revocation shall be deemed to have so continued and had effect: 5

“Provided that nothing in this subsection shall affect the rights of the parties under any judgment given in any Court before the commencement of this subsection, or under any judgment given on appeal from any such judgment, whether the appeal is commenced before or after the commencement of this subsection.” 10