

*This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed as now printed, is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.*

*Legislative Council.  
30th July, 1924.*

*Hon. Sir Francis Bell.*

**ACTS INTERPRETATION.**

**ANALYSIS.**

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| <p><b>Title.</b></p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Act to apply to all Acts of General Assembly.</li> <li>3. Declaration that Act applies unnecessary.</li> </ol> <p style="text-align: center;"><i>Interpretation of Terms.</i></p> <ol style="list-style-type: none"> <li>4. General interpretation of terms.</li> </ol> <p style="text-align: center;"><i>Construction of Acts, &amp;c.</i></p> <ol style="list-style-type: none"> <li>5. General rules of construction.</li> <li>6. Application of penal Acts to bodies corporate.</li> <li>7. Interpretation of rules, &amp;c.</li> </ol> <p style="text-align: center;"><i>Commencement of Acts.</i></p> <ol style="list-style-type: none"> <li>8. Acts assented to, when to come into operation.</li> <li>9. Acts reserved, when to come into operation.</li> <li>10. Clerk of Parliaments to insert in Acts day of assent, &amp;c.</li> <li>11. Time of commencement.</li> <li>12. Exercise of statutory powers between passing and commencement of an Act.</li> <li>13. Gazetting of Acts unnecessary.</li> </ol> <p style="text-align: center;"><i>Citation of Acts.</i></p> <ol style="list-style-type: none"> <li>14. Citation of Imperial Acts.</li> <li>15. Acts, &amp;c., may be cited by their Short Titles.</li> <li>16. Citation of Acts, &amp;c., not having a Short Title. Imperial Acts. Ordinances of New Zealand. Acts of the General Assembly. Provincial Ordinances.</li> <li>17. Reference to be made to copies printed by authority.</li> <li>18. Citation of an Act includes a citation of all amendments.</li> </ol> | <ol style="list-style-type: none"> <li>19. Citation of a portion of Act includes the first and last words of portion cited.</li> </ol> <p style="text-align: center;"><i>Repeal and Expiration of Acts.</i></p> <ol style="list-style-type: none"> <li>20. General provisions as to repeals.</li> <li>21. Reference to repealed Act in unrepealed Act.</li> <li>22. Pending judicial proceedings not affected by expiration of Act.</li> </ol> <p style="text-align: center;"><i>General Provisions.</i></p> <ol style="list-style-type: none"> <li>23. Orders in Council, &amp;c., how advice and consent of Executive Council may be signified.</li> <li>24. Authority under which Orders in Council, &amp;c., made need not be recited.</li> <li>25. Provisions as to limitation of time, holidays, &amp;c. Computation of time. Measurement of distances. Exercise of authority by Magistrate or Justice. Words applying to a Minister or public functionary apply to persons temporarily filling such offices. Power of appointment includes power of removal, &amp;c. Powers may be exercised from time to time. Power to make by-laws, rules, &amp;c., includes power of revocation or alteration and power to prescribe fine. Offences punishable under more than one enactment.</li> <li>26. Rules of Court.</li> <li>27. Discretionary power as to imprisonment and fines.</li> <li>28. Foregoing rules to apply to construction of this Act.</li> </ol> <p style="text-align: center;"><i>Repeals.</i></p> <ol style="list-style-type: none"> <li>29. Repeals. Saving. Schedules.</li> </ol> |
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**A BILL INTITULED**

**AN ACT** to consolidate and amend the Law relating to the Interpretation of Legislative Enactments. **Title.**

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

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| <ol style="list-style-type: none"> <li>1. This Act may be cited as the Acts Interpretation Act, 1924.</li> <li>2. This Act, and every provision hereof, shall extend and apply to every Act of the General Assembly of New Zealand heretofore or that may hereafter be passed, except in so far as any provision</li> </ol> | <p><b>Short Title.</b></p> <p>Act to apply to all Acts of General Assembly.</p> <p>1908, No. 1, sec. 2</p> |
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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. 5

Declaration that Act applies unnecessary. 1908, No. 1, sec. 4

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

#### *Interpretation of Terms.*

General interpretation of terms. *Ibid.*, sec. 5 1908, No. 242, secs. 2, 10, and 11

4. 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 following shall severally have the meanings hereinafter stated, that is to say:— 10

“ Act ” means an Act of the General Assembly, and includes all rules and regulations made thereunder: 15

“ 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:

“ Audit Office ” means the Controller and Auditor-General, and includes the Acting Controller and Auditor-General and the deputy of the Controller and Auditor-General: 20

“ Australasian Colonies ” means the Commonwealth of Australia as now or hereafter constituted, together with New Zealand and Fiji: 25

“ Australian Colonies ” includes every State now or hereafter forming part of the Commonwealth of Australia:

“ Borough ” includes city:

“ Commencement ” when used in reference to an Act means the time at which the Act referred to comes into operation: 30

“ Committed for trial ” means committed to prison with the view of being tried before a Judge and jury, or admitted to bail upon a recognizance or other security to appear and be so tried:

“ Company ” or “ association,” where used in reference to a corporation, includes the successors and assigns of such company or association: 35

“ 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: 40

“ Consular officer ” means a Consul-General, Consul, Vice-Consul, Consular Agent, and any person for the time being authorized to discharge the duties of Consul-General, Consul, or Vice-Consul: 45

“ Cook Islands ” means the islands and territories forming part of His Majesty’s dominions and situated within the boundaries set forth in the First Schedule to the Cook Islands Act, 1915: 50

*Cf.* 1910, No. 43, sec. 2

- “Financial year” means, as respects any matters relating to the Public Account, or to moneys provided by Parliament, or to public taxes or finance, the period of twelve months ending on the expiration of the thirty-first day of March :
- 5 “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 :
- 10 “Gazetted” means published in the aforesaid *Gazette* :
- “General Assembly” means the General Assembly of New Zealand, consisting of the Governor-General, the Legislative Council, and the House of Representatives :
- 15 “Government Printer” means the printer to the New Zealand Government at Wellington purporting to be the printer authorized 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 :
- 20 “Governor” or “Governor-General” means the Governor-General of New Zealand, and includes the Deputy of the Governor-General, the Lieutenant-Governor, and any person for the time being lawfully administering the Government of New Zealand :
- 25 “Governor in Council” or “Governor-General in Council,” or any other like expression, means the Governor-General acting by and with the advice and consent of the Executive Council of New Zealand :
- 30 “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-General 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 :
- 35 “Imperial Parliament” means the Parliament of the United Kingdom :
- “Information” means an information laid in accordance with the Justices of the Peace Act, 1908, in respect of an offence punishable on summary conviction :
- 40 “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 :
- 45 “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 :
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- “ Local authority ” means any Council, Board, Trustees, Commissioners, or other persons, by whatever name designated, entrusted 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 : 5
- “ Magistrate ” means any Stipendiary Magistrate appointed under the Magistrates’ Courts Act, 1908 :
- “ Minor ” means any person under the age of twenty-one years :
- “ Month ” means calendar month :
- “ North Island ” means the island commonly known as the North Island, and includes all islands adjacent thereto lying 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 : 10 15
- “ 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 authorized or required by law : 20
- “ Order in Council ” means an Order made by the Governor-General 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 : 25
- “ Prescribed ” means prescribed by the Act in which that term is used, or by regulations made under the authority of that Act :
- “ Proclamation ” means a Proclamation made by the Governor-General under his sign-manual and the seal of New Zealand and gazetted : 30
- “ Province ” or “ provincial district ” means any of the former Provinces of Auckland, Taranaki, Hawke’s Bay, Wellington, Nelson, Marlborough, Canterbury, Otago, or Westland : 35
- “ 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 : 40
- “ Regulations ” means regulations made by the Governor-General in Council : 45
- “ Samoa ” or “ Western Samoa ” means the Territory of Western Samoa as defined in the Second Schedule to the Samoa Act, 1921 :

“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 authorizing the taking or receiving thereof :

“Summary conviction” means a conviction by a Magistrate or one or more Justices of the Peace in accordance with the Justices of the Peace Act, 1908 :

“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 islands and territories within the limits thereof for the time being other than the Cook Islands :

“Writing,” “written,” or any term of like import, includes words printed, typewritten, painted, engraved, lithographed, or otherwise traced or copied :

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 :

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, body, corporation, society, officer, office, functionary, person, party, or thing to whom or to which the provision is applicable :

The name commonly applied to any country, locality, district, place, body, corporation, society, officer, office, 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.*

5. 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 of construction.  
1908, No. 1, sec. 6  
1908, No. 242, sec. 4

- (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 :
- (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 :
- (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 :
- (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 :
- (f.) The division of any Act into parts, titles, divisions, or subdivisions, and the headings of any such parts, titles, divisions, or subdivisions, shall be deemed for the purpose of reference to be part of the Act, but the said headings shall not affect the interpretation of the Act :
- (g.) Marginal notes to an Act shall not be deemed to be part of such Act :
- (h.) Every Schedule or Appendix to an Act shall be deemed to be part of such Act :
- (i.) Wherever forms are prescribed, slight deviations therefrom, but to the same effect and not calculated to mislead, shall not vitiate them :
- (j.) 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 ensure the attainment of the object of the Act and of such provision or enactment according to its true intent, meaning, and spirit :
- (k.) 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 :
- (l.) Every Act may be altered, amended, or repealed in the same session of the General Assembly in which it is passed.

6. (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.

Application of penal Acts to bodies corporate.  
1908, No. 1, sec. 7

5 (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.

10 7. 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.

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

*Commencement of Acts.*

15 8. Every Act assented to by the Governor-General 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-General's assent.

Acts assented to, when to come into operation.  
Ibid., sec. 9

20 9. Every Act reserved by the Governor-General 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-General signifies, by Speech, Message, or Proclamation, that His Majesty has assented to the same.

Acts reserved, when to come into operation.  
Ibid., sec. 10

25 10. 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-General in His Majesty's name, and, where any Act is reserved by the Governor-General for the signification of His Majesty's pleasure thereon, then the day, month, and year on which the Governor-General, 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.

Clerk of Parliaments to insert in Acts day of assent, &c.  
Ibid., sec. 11

30 11. (1.) 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.

Time of commencement.  
Ibid., sec. 12  
1908, No. 242, sec. 9

40 (2.) When any Act or any provision of an Act is expressed to take effect "from" a certain day, it shall, unless a contrary intention appears, take effect immediately on the commencement of the next succeeding day.

45 12. 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 restrict on: that any instrument made under the power shall not,

Exercise of statutory powers between passing and commencement of an Act.  
1908, No. 1, sec. 13

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.

Gazetting of Acts unnecessary.  
1908, No. 1, sec. 14

13. 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. 5

#### Citation of Acts.

Citation of Imperial Acts.  
1908, No. 242, sec. 5

14. (1.) In any Act, instrument, or document an Imperial Act may be referred to by its Short Title with or without the term "Imperial" prefixed or added thereto. 10

(2.) This section shall apply to all Imperial Acts which are in force in New Zealand whether they are in force in the United Kingdom or not, and to all Short Titles conferred by an Imperial Act whether that Act is in force in New Zealand or not.

Acts, &c., may be cited by their Short Titles.  
1908, No. 1, sec. 15

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

Citation of Acts, &c., not having a Short Title.  
Ibid., sec. 16

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,— 20

Imperial Acts.

(a.) In the case of 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; 25

(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, number, and section (as the case may require): 30 35

Ordinances of New Zealand.

(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:

Acts of the General Assembly.

(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: 40

Provincial Ordinances.

(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. 45

Reference to be made to copies printed by authority.  
Ibid., sec. 17

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

(a.) In the case of Imperial Acts, according to the copies of statutes printed by the King's Printer: 50



5 (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.

10 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 an Act includes a citation of all amendments. 1908, No. 1, sec. 18

15 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.

Citation of a portion of Act includes the first and last words of portion cited. Ibid., sec. 19

*Repeal and Expiration of Acts.*

20 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 :—

General provisions as to repeals. Ibid., sec. 20

(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 :

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

(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 :

30 (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 :

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

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

(ii.) Any existing status or capacity ; or

50 (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 :
- (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 :
- (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.

Reference to repealed Act in unrepealed Act. 1908, No. 1, sec. 21

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 for such repealed Act, unless it is otherwise manifested by the context.

(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.

Pending judicial proceedings not affected by expiration of Act. 1908, No. 242, sec. 6

22. The expiration of an Act shall not affect any judicial proceedings previously commenced under that Act, but all such proceedings may be continued and everything in relation thereto be done in all respects as if the Act continued in force.

#### General Provisions.

Orders in Council, &c., how advice and consent of Executive Council may be signified. 1908, No. 1, sec. 22

23. (1.) Where in any Act any act, power, function, or duty is required to be done, exercised, or performed by the Governor-General 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-General 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.

(2.) On the advice and consent of the Executive Council being signified in manner aforesaid, the Governor-General 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-General shall be called in question in any Court on the ground that the Governor-General was not prevented by any necessary or reasonable cause from attending any such meeting of the Executive Council as aforesaid.

24. Where by any Act the Governor-General in Council, or the Governor-General, 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 authorizing 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.

Authority under which Orders in Council, &c., made need not be recited. 1908, No. 1, sec. 23

25. 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:

Provisions as to— Limitation of time, holidays, &c. Ibid., sec. 24 1908, No. 242, secs. 7, 8 1920, No. 9, sec. 2

(b.) If in any Act any period of time dating from a given day, act, or event is prescribed or allowed for any purpose, the time shall, unless a contrary intention appears, be reckoned as exclusive of that day or of the day of that act or event:

Computation of time.

(c.) In the measurement of any distance for the purposes of any Act that distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane:

Measurement of distances.

(d.) 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:

Exercise of authority by Magistrate or Justice.

(e.) 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, acting for, or, if the office is vacant, in the place of such Minister, and also his successors in such office; and

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

50 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.

(f.) Words authorizing 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: 5

Powers may be exercised from time to time.

(g.) 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: 10

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

(h.) 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, and also includes the power to prescribe a fine or penalty not exceeding five pounds for the breach of any such by-laws, rules, orders, or regulations: 15

Offences punishable under more than one enactment.

(i.) 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

Rules of Court.  
1908, No. 242, sec. 3

26. (1.) In any Act the expression "rules of Court," when used in relation to any Court, means, unless a contrary intention appears, rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of that Court. 30

(2.) The power of the said authority to make rules of Court shall, unless the contrary intention appears, include a power to make rules of Court for the purpose of any Act which directs or authorizes anything to be done by rules of Court.

Discretionary power as to imprisonment and fines.

Ibid., sec. 12

27. (1.) When by any Act any person is made liable to imprisonment on summary conviction for any period, he may be sentenced to imprisonment for any shorter period, unless a minimum period of imprisonment is expressly provided by that Act. 40

(2.) When by any Act any person is made liable on summary conviction to a fine of any amount, he may be sentenced to pay a fine of any less amount, unless a minimum fine is expressly provided by that Act.

(3.) When by any Act any person is made liable on summary conviction to imprisonment, or to imprisonment with hard labour, he may be sentenced either to imprisonment with hard labour or to imprisonment without hard labour, unless a contrary intention is expressed. 45

Foregoing rules to apply to construction of this Act.

1908, No. 1, sec. 25

28. The provisions of this Act shall apply to the construction hereof, and to the words and expressions used herein. 50

Repeals.

29. (1.) The enactments mentioned in the *First* Schedule hereto are hereby repealed. Repeals.

(2.) Section twenty-six of the Acts Interpretation Act, 1908, as set forth in the *Second* Schedule to this Act, shall continue in force notwithstanding the repeal of that Act. Saving

SCHEDULES.

Schedules

FIRST SCHEDULE.

ENACTMENTS REPEALED.

- 1908, No. 1.—The Acts Interpretation Act, 1908.
- 1908, No. 242.—The Acts Interpretation Amendment Act, 1908.
- 1920, No. 9.—The Acts Interpretation Amendment Act, 1920.
- 1922, No. 51.—The Finance Act, 1922: Section 45.

SECOND SCHEDULE.

THE ACTS INTERPRETATION ACT, 1908: SECTION 26.

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. Provisions relating to the abolition of provinces. District within abolished province to be a provincial district. 1875, No. 21, sec. 4
- (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. Laws as far as applicable to remain in force in district comprised within abolished provinces till altered. Ibid., sec. 5
- (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. Superintendents' powers to vest in Governor. Ibid., sec. 7
- (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. Power to delegate.
- (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. Functions performable by provincial officers to be performed after abolition by persons appointed by Governor. Ibid., sec. 8

Real and personal property, &c., vested in Superintendents to vest in the Crown. 1875, No. 21, sec. 9

(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.

Ibid., sec. 2

(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.

Contracts and actions.

Ibid., sec. 11

(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.

Interpretation of Acts of Assembly and Ordinances after abolition of provinces.

Ibid., sec. 12

(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.