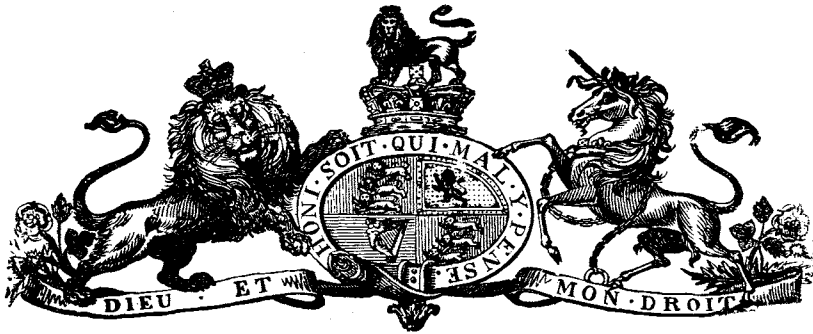


T A S M A N I A.



1900.

ANNO SEXAGESIMO-QUARTO

VICTORIÆ REGINÆ,

No. 8.

AN ACT for consolidating Enactments relating to the Construction of Acts of Parliament, and for further shortening the Language used in Acts of Parliament. A.D. 1900.
[22 September, 1900.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as “The Interpretation Act, 1900.” Short title.

2 The Act described in the Schedule to this Act is hereby repealed. Repeal.
Schedule.

Re-enactment of Existing Rules.

3 In this Act and in every Act heretofore passed, and in every Act hereafter to be passed, unless the contrary intention appears— Interpretation
of Acts.

The word “Act” shall include Act of Council, and the words “Act.”

“Act of Council” shall include Act :

Words importing the masculine gender shall include females : Masculine.

Words in the singular shall include the plural, and words in the plural shall include the singular : 52 & 53 Vict.
c. 63, s. 1.

The word “Governor” shall include the person for the time being lawfully administering the Government of *Tasmania*, Singular and
plural.
Ib., s. 1.
“Governor.”

Interpretation.

A.D. 1900.

“Month.”
52 & 53 Vict.
c. 63, s. 3.

“Land.”

“Oath,”

“affidavit,”

“swear”

Ib., s. 3.

Application of
penal Acts to
bodies corporate.
Ib., s. 2.

and the word “Governor” shall mean the Governor acting with the advice of the Executive Council:

The word “month” shall mean calendar month:

The word “land” shall include messuages, tenements, and hereditaments, houses and buildings of any tenure:

The words “oath” and “affidavit” shall, in the case of persons allowed by law to affirm or declare instead of swearing, include affirmation and declaration, and the word “swear” shall, in the like case, include affirm and declare:

In the construction of every enactment relating to an offence punishable on indictment or on summary conviction, the expression “person” shall include a body corporate, and where any forfeiture or penalty is payable to a party aggrieved it shall be payable to a body corporate in every case where that body is the party aggrieved.

Acts to be divided
into Sections;
each a substantive
enactment.

Ib., s. 8.*Ib.*, s. 9.

4—(1.) Every Act shall be divided into Sections if it contains more enactments than one, and every Section of an Act shall have effect as a substantive enactment without introductory words.

(2.) Every Act passed after the Fifth day of *August*, One thousand eight hundred and fifty-three, whether before or after the commencement of this Act, shall be a public Act, and shall be judicially noticed as such unless the contrary is expressly provided by the Act.

Amendment or
repeal of Acts in
same Session.

Ib., s. 10.

Copies of Acts
printed by
authority
admissible in
evidence.

Effect of repeal
in Acts passed
since 5th *August*,
1853.

Ib., s. 11.

(3.) Any Act may be altered, amended, or repealed in the same Session of Parliament.

(4.) A copy of every Act printed or purporting to have been printed by the authority of the Government shall be admitted in evidence, and it shall not be necessary to prove that it was printed by such authority.

5—(1.) Where an Act passed after the Fifth day of *August*, One thousand eight hundred and fifty-three, whether before or after the commencement of this Act repeals a repealing enactment, it shall not be construed as reviving any enactment previously repealed unless words are inserted or added reviving that enactment.

(2.) Where an Act passed after the Fifth day of *August*, One thousand eight hundred and fifty-three, whether before or after the commencement of this Act, repeals wholly or partially any former enactment and substitutes other provisions for the enactment repealed, the repealed enactment shall remain in force until the substituted provisions come into operation.

Citation of Acts.

Ib., s. 35 (1.).

6—(1.) In any Act, instrument, or document, an Act may be cited by reference to the Short Title, if any, of the Act, or by reference to the year or regnal year in which the Act was passed and the number, if any, of the Act, and any enactment may be cited by reference to the Section or Sub-section of the Act in which the enactment is contained.

Ib., s. 35 (3.)

(2.) In any Act passed after the commencement of this Act a description or citation of a portion of another Act shall, unless the contrary intention appears, be construed as including the words, Sections, or other parts mentioned or referred to as forming the beginning and the end respectively of the portion comprised in the description or citation.

Interpretation.

7 Whenever by any Act, any act, matter, or thing is directed or authorised to be done or performed on a certain day, and that day shall happen to be *Sunday, Good Friday, or Christmas Day*, every such act, matter, or thing shall and may, unless otherwise directed by such Act, be done and performed on the day next following such *Sunday, Good Friday, or Christmas Day*.

A.D. 1900.

When things to be done fall on a *Sunday, &c.*, may be done on following day.

8 Unless otherwise expressly provided, every Schedule annexed to any Act shall be deemed and taken to be part and parcel of the Act to which it is so annexed, and shall have the same operation and effect as if the matters therein contained had been enacted in the body of the Act.

Schedules to be deemed part of Act.
17 Vict. No. 1, s. 11.

New General Rules of Construction.

9 Where an Act passed after the commencement of this Act authorises or requires any document to be served by post, whether the expression "serve," or the expression "give," or "send," or any other expression is used, then, unless the contrary intention appears, the service shall be deemed to be effected by properly addressing, prepaying, and posting a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Meaning of service by post.
52 & 53 Vict. c. 63, s. 26.

10 Where any Act, whether passed before or after the commencement of this Act, confers power to make, grant, or issue any instrument (that is to say, any Order in Council, order, proclamation, warrant, scheme, letters patent, rules, regulations, or by-laws), expressions used in the instrument, if it is made after the commencement of this Act, shall, unless the contrary intention appears, have the same respective meanings as in the Act conferring the power.

Construction of statutory rules, &c.
Ib., s. 31.

11 Where an Act passed after the commencement of this Act confers a power to make any rules, regulations, or by-laws, the power shall, unless the contrary intention appears, be construed as including a power exerciseable in the like manner, and subject to the like consent and conditions, if any, to rescind, revoke, amend, or vary the rules, regulations, or by-laws.

Meaning of power given by an Act to make By-laws.
Ib., s. 32 (3.).

12—(1.) Where an Act passed after the commencement of this Act confers a power or imposes a duty, then, unless the contrary intention appears, the power may be exercised, and the duty shall be performed from time to time as occasion requires.

Construction of provisions as to exercise of powers and duties.

(2.) Where an Act passed after the commencement of this Act confers a power or imposes a duty on the holder of an office as such, then, unless the contrary intention appears, the power may be exercised, and the duty shall be performed by the holder for the time being of the office.

52 & 53 Vict. c. 63, s. 32.

13 Where an act or omission constitutes an offence under Two or more Acts, or both under an Act and at common law, whether any such Act was passed before or after the commencement of this Act, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of those Acts or at common law, but shall not be liable to be punished twice for the same offence.

Provisions as to offences under Two or more laws.
Ib., s. 33.

Interpretation.

A.D. 1900.

Measurement of
distances.
Ib., s. 34.

"Commence-
ment."
Ib., s. 36.

Exercise of
statutory power
between passing
and commence-
ment of Act.
Ib., s. 37.

Definitions for
the future.

"British
possession."

"Person."
Ib., s. 19.

"Statutory
declaration."
Ib., s. 21.
47 Vict. No. 19,
s. 75.

"Writing."

"Sovereign,"
"Crown."
52 & 53 Vict.
c. 63, s. 30.

"Rules of
Court."
52 & 53 Vict.
c. 63, s. 14.

14 In the measurement of any distance for the purposes of any Act passed after the commencement of this Act, that distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane.

15 - (1.) In this Act and in every Act passed, either before or after the commencement of this Act, the expression "commencement," when used with reference to an Act, shall mean the time at which the Act comes into operation.

(2.) Where an Act or any Order in Council, order, warrant, scheme, letters patent, rules, regulations, or by-laws made, granted, or issued under a power conferred by any such Act is expressed to come into operation on a particular day, the same shall be construed as coming into operation immediately on the expiration of the previous day.

16 Where an Act passed after the commencement of this Act is not to come into operation immediately on the passing thereof, and confers power to make any appointment, or to make, grant, or issue any instrument (that is to say, any Order in Council, order, warrant, scheme, letters patent, rules, regulations, or by-laws), or to give notices, to prescribe forms, or to do any other thing 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 such power shall not, unless the contrary intention appears in the Act, or the contrary is necessary for bringing the Act into operation, come into operation until the Act comes into operation.

17 In every Act passed after the commencement of this Act the following expressions, unless the contrary intention appears, shall have the meanings hereby respectively assigned to them, namely—

- I. The expression "British possession" shall mean any part of Her Majesty's dominions, exclusive of the *United Kingdom*, and, where parts of such dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purpose of this definition, be deemed to be one British Possession :
- II. The expression "person" shall include any body of persons corporate or unincorporate :
- III. The words "statutory declaration" shall mean a declaration made by virtue of *The Statutory Declarations Act, 1837* :
- IV. Expressions referring to writing shall be construed to include references to printing, lithography, photography, and other modes of representing and reproducing words in a permanently visible form :
- V. References to the Sovereign reigning at the time of the passing of the Act or to the Crown shall be construed as references to the Sovereign for the time being, and this Act shall be binding on the Crown :
- VI. The expression "Rules of Court," when used in relation to any court, shall mean rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of such court, and the power

Interpretation.

to make Rules of Court shall include a power to make such rules for the purposes of any Act passed after the commencement of this Act, and directing or authorising anything to be done by Rules of Court.

A.D. 1900.

- vii. The expression "financial year," used respecting any matters relating to the Consolidated Revenue or moneys provided by Parliament, or to the Treasury, or to taxes or finance, or to accounting or reporting to the Treasurer about public moneys, shall mean the Twelve months ending the last day of *December*.

"Financial year."
52 & 53 Vict.
c. 63, s. 22.

18—(1.) Where this Act, or any Act passed after the commencement of this Act, repeals and re-enacts, with or without modification, any provisions of a former Act, references in any other Act to the provisions so repealed shall, unless the contrary intention appears, be construed as references to the provisions so re-enacted.

Effect of repeal
in future Acts.
Ib., s. 38.

(2.) Where this Act, or any Act passed after the commencement of this Act, repeals any other enactment, then, unless the contrary intention appears, the repeal shall not—

- i. Revive anything not in force or existing at the time at which the repeal takes effect; or
 - ii. Affect the previous operation of any enactment so repealed, or anything duly done or suffered under any enactment so repealed; or
 - iii. Affect any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment so repealed; or
 - iv. Affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment so repealed; or
 - v. Affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid;
- and any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture, or punishment may be imposed as if the repealing Act had not been passed.

19 The provisions of this Act respecting the construction of Acts passed after the commencement of this Act shall not affect the construction of any Act passed before the commencement of this Act, although it is continued or amended by an Act passed after such commencement.

Saving for
past Acts.

S C H E D U L E.

AN Act for shortening and explaining the language used in Acts of Council, legal proceedings, deeds, and other documents.

17 Vict. No. 1.

