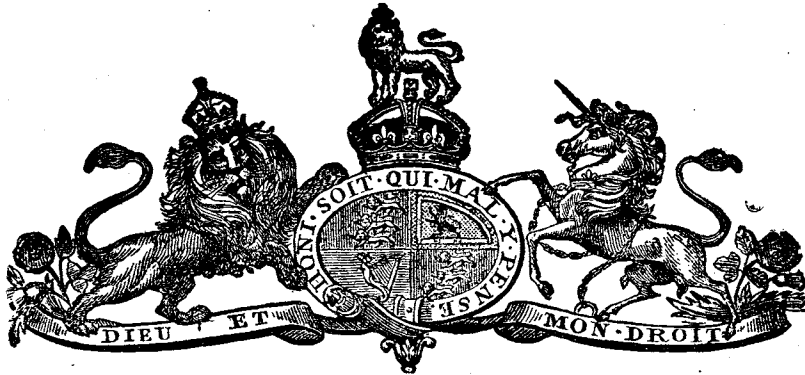


TASMANIA.



1906.

ANNO SEXTO

EDWARDI VII. REGIS,

No. 12.



AN ACT for the Interpretation of Acts of Parliament, for Shortening their Language, and for other purposes. [25 October, 1906.]

A.D.

1906.



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:—

Short Title. Repeal.

1 This Act may be cited as “The Interpretation Act, 1906.”

Short title.

2 “The Interpretation Act, 1900,” is hereby repealed, but such repeal shall not affect any act or thing lawfully done under the said Act before the coming into operation of this Act; and all such acts and things shall continue to have the same force and effect as if this Act had not been passed.

Repeal.

1s.]

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Interpretation of
the word "Act."
Cf. 35 and 36
Vict. No. 9, s. 2
(S.A.).

Word "Act."

3 In this Act and in every Act passed either before or after the commencement of this Act, "Act" shall include all Acts or Ordinances duly made and passed by the Parliament of *Tasmania* or by any Council or Chamber heretofore having authority or power to make and pass laws in *Tasmania*, the same having been assented to by or on behalf of the Sovereign reigning at the time of the passing thereof.

Commencement of Acts.

"Commence-
ment."
52 and 53 Vict.
c. 63, s. 36 (Eng.).
64 Vict. No. 8,
s. 15 (Tas.).

4—(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.

Exercise of
statutory power
between passing
and commence-
ment of Act.
Eng., s. 37.
Tas., s. 16.
Com. 1901, s. 4.

5 Where an Act passed after the Twenty-second day of *September*, One thousand nine hundred, whether before or after the commencement of this Act, is not to come into operation immediately on the passing thereof, and confers power to make any appointment, 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), 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.

Construction of Acts.

Every Section a
substantive enact-
ment.
Eng., s. 8.
Com., s. 12.
Amending to be
construed with
amended Act.
No. 4, 1897
(N.S.W.), s. 12.
Com. 1901, s. 15.
Headings, sched-
ules, marginal
notes, and foot-
notes.

6 The following provisions shall have effect in relation to every Act, except in cases where it is otherwise specially provided:—

(1.) Every Section of an Act shall have effect as a substantive enactment without introductory words.

(2.) Every Act amending another Act shall, unless the contrary intention appears, be construed with such other Act and as part thereof.

(3.) The headings of the Parts, Divisions, and Subdivisions into which any Act is divided shall be deemed to be part of the Act.

(4.) Neither the marginal notes nor the footnotes to any Act shall be deemed to be part thereof.

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(5.) Every Schedule to an Act shall be deemed to form part thereof. Whenever forms are prescribed, slight deviations therefrom, but to the same effect and not calculated to mislead, shall not vitiate them.

(6.) 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.

(7.) No provision or enactment in any Act shall affect, in any manner or way whatsoever, 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 therein expressly mentioned.

(8.) An Act may be altered, amended, or repealed in the same session of Parliament in which it was passed.

7 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.

Words and References in Acts.

8 In this Act and in every other Act, whether passed before or after the commencement of this Act, references to the Sovereign reigning at the time of the passing of the Act or to the Crown shall, unless the contrary intention appears, be construed as references to the Sovereign for the time being, and this Act shall be binding on the Crown.

9 In every Act, whether passed before or after the commencement of this Act, expressions referring to writing shall, unless the contrary intention appears, be construed as including references to any mode of representing or reproducing words in a visible form.

10 In any Act, whether passed before or after the commencement of this Act, unless the contrary intention appears—

- i. Words importing the masculine gender shall include females :
and
- ii. Words in the singular shall include the plural, and words in the plural shall include the singular.

11 Every provision of an Act, whether passed before or after the commencement of this Act, relating to offences punishable on indictment or summary conviction shall, unless the contrary intention appears, be deemed to refer to bodies corporate as well as to persons.

Where under any Act, whether passed before or after the commencement of this Act, any forfeiture or penalty is payable to a party

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Com. 1901, No. 2, s. 13.

Vict. No. 1058, s. 21.

N.Z. 15, 1888, s. 5.

Act deemed always speaking in the present. N.Z., s. 5.

Acts not to apply to His Majesty unless expressly provided. N.Z., s. 5, ss. 8.

Acts may be altered, &c., in same session. Eng., s. 10. Com. 1901, s. 14.

Acts to be public Acts. Eng., s. 9. Tas., s. 4, ss. 2.

References to the Crown. Eng., s. 30. Com. 1901, s. 16. Cf. Tas., s. 17, ss. v.

References to writing. Eng., s. 20. Com. 1901, s. 25. Cf. Tas., s. 17, ss. iv.

Rules as to gender and number. Eng., s. 1. Com. 1901, s. 23. Cf. Tas., s. 3.

Corporations liable to and may sue for penalties. Eng., s. 2. Com. 1901, s. 24. Cf. Tas., s. 3.

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aggrieved it shall be payable to a body corporate where the body corporate is the party aggrieved.

Definitions affecting past and future Acts.

"The Consolidated Revenue Fund."

"Gazette."

"Gazetted."

"The Government Printer."

"Governor."

"His Majesty,"
"the King," or
"the Crown."

"Imperial Parliament."

"Justice."

"Land,"
Tas., s. 3.

"Month."

"Oath,"
"affidavit,"
"swear,"
Tas., s. 3.

"Order-in-Council."

"Parliament."

"Proclamation."

"Public notification" or "public notice."
N.Z., s. 4.

"Statutory declaration."
Tas., s. 17.
47 Vict. No. 10, s. 75.

12 In this Act and in every Act passed either before or after the commencement of this Act, unless the contrary intention appears—

"Consolidated Revenue" shall mean the Consolidated Revenue Fund of *Tasmania* :

"Gazette," "*Hobart Town Gazette*," "*Hobart Gazette*," and "*Government Gazette*" shall mean the *Tasmanian Government Gazette* published or purporting to be published by or under the authority of the *Tasmanian Government*, and having the title *Hobart Gazette*, which title shall, on and after the First day of *January*, One thousand nine hundred and seven, be altered to *Tasmanian Government Gazette* :

"Gazetted" shall mean published in the aforesaid *Gazette* :

"Government Printer" shall include any person printing for the Government of *Tasmania* :

"Governor" shall mean the Governor of *Tasmania* and its Dependencies, or the person for the time being administering the Government of *Tasmania* and its Dependencies, acting with the advice of the Executive Council :

"His Majesty," "the King," or "the Crown" shall mean His Majesty the King of the United Kingdom of *Great Britain and Ireland*, and includes his heirs and successors, Sovereigns of the said Kingdom :

"Imperial Parliament" shall mean the Parliament of the United Kingdom of *Great Britain and Ireland* :

"Justice" shall mean a Justice of the Peace :

"Land" shall include messuages, tenements, and hereditaments, houses, and buildings, of any tenure :

"Month" shall mean calendar month :

"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 :

"Order-in-Council" shall mean an Order made by the Governor in Council :

"Parliament" shall mean the Parliament of the State of *Tasmania* :

"Proclamation" shall mean Proclamation by the Governor published in the *Gazette* :

"Public notification," or "public notice," in relation to any matter not specifically required by law to be published *in extenso*, shall mean 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" shall mean a declaration made by virtue of *The Statutory Declarations Act, 1837* :

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- “Supreme Court” shall mean the Supreme Court of *Tasmania*: A.D. 1906.
- “The Minister” shall mean the Minister of the Crown for the time being administering the Act or enactment in which or in respect of which the expression is used: —
“Supreme Court.”
“The Minister.”
Com. 1901, s. 17, ss. (6).
“The United Kingdom.”
Definitions affecting Acts after 1900.
- “United Kingdom” shall mean the United Kingdom of *Great Britain and Ireland*.
- 13** In this Act and in every Act passed after the Twenty-second day of *September*, One thousand nine hundred, whether before or after the commencement of this Act, unless the contrary intention appears—
- “British possession” shall mean any part of His 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: —
“British possession.”
Tas., s. 17.
Com. 1901, s. 18, ss. (6).
- “Person” and “party” shall include any body of persons corporate or unincorporate as well as an individual. —
“Person.”
“Party.”
Tas., s. 17.
Definitions affecting future Acts.
- 14** In this Act and in every Act passed after the commencement of this Act, unless the contrary intention appears—
- “Committed for trial,” used in relation to any person, shall mean committed to prison with the view of being tried before a judge and jury, or admitted to bail upon a recognisance to appear and be so tried: —
“Committed for trial.”
Eng., s. 27.
Cf. No. 4 of 1897, s. 28 (N.S.W.).
- “Financial year” shall mean as respects any matters relating to the Consolidated Revenue Fund 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, the Twelve months ending the last day of *June*: —
“Financial year.”
Eng., s. 22.
Tas., s. 17.
- “Prescribed” shall mean prescribed by the Act, or by Regulations under the Act: —
“Prescribed.”
Com. 1904, s. 9.
- “Regulations” shall mean Regulations under the Act: —
“Regulations.”
Com. 1904, s. 9.
- “The Commonwealth” shall mean the Commonwealth of *Australia*: —
“The Commonwealth.”
Com. 1901, s. 17.
- “The State” and “this State” shall severally mean the State of *Tasmania* comprising all territories within the limits thereof. —
“The State” and “this State.”
- 15**—(1.) In any Act passed after the Twenty-second day of *September*, One thousand nine hundred, whether before or after the commencement of this Act, unless the contrary intention appears, 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. —
Rules of Court.
Cf. *ibid.* (Com.), s. 28.
Tas., s. 17.
- (2.) The power of such authority to make Rules of Court shall include a power to make Rules of Court for the purpose of any Act so passed as aforesaid which directs or authorises anything to be done by Rules of Court.

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Mention of
Minister.Cf. *ibid.* (Com.),
s. 19.54 Vict. No. 1058
(Vic.), s. 7.
N.S.W., s. 15,
ss. IV.Mention of an
officer in general
terms.Cf. *ibid.* (Com.),
s. 20.

N.S.W., s. 16.

Office, &c., means
office, &c., of the
State of *Tas-*
*mania.*Cf. *ibid.* (Com.),
s. 21.

N.S.W., s. 17.

16 Where in any Act, whether passed before or after the commencement of this Act, any Minister is referred to, such reference shall, unless the contrary intention appears, be deemed to include any Minister for the time being acting for or on behalf of such Minister.

17 Where in any Act, whether passed before or after the commencement of this Act, any person holding or occupying a particular office or position is mentioned or referred to in general terms, such mention or reference shall, unless the contrary intention appears, be deemed to include all persons who at any time occupy for the time being the said office or position.

18 In any Act, whether passed before or after the commencement of this Act, unless the contrary intention appears--

i. references to any officer or office shall be construed as references to such officer or office in and for the State of *Tasmania*; and

ii. references to localities, jurisdictions, and other matters and things shall be construed as references to such localities, jurisdictions, and other matters and things in and of the State of *Tasmania*.

*Powers Conferred and Duties Imposed by Acts.*Construction of
statutory rules,
&c.Eng., s. 31,
Tas., s. 10.

19 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 Twenty-second day of *September*, One thousand nine hundred, shall, unless the contrary intention appears, have the same respective meanings as in the Act conferring the power.

Construction of
provisions as to
exercise of powers
and duties.Eng., s. 32.
Tas., s. 12.

20 Where an Act passed after the Twenty-second day of *September*, One thousand nine hundred, whether before or after the commencement of this Act—

i. 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:

ii. 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.

Meaning of power
given by an Act
to make By-laws.
Eng., s. 32 (3.).
Tas., s. 11.

21 Where an Act passed after the Twenty-second day of *September*, One thousand nine hundred, whether before or after the commencement of this Act, confers a power to make any rules, orders, regulations, or

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by-laws, the power shall, unless the contrary intention appears, be construed as including a power exercisable in the like manner, and subject to the like consent and conditions, if any, to rescind, revoke, amend, or vary the rules, orders, regulations, or by-laws.

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22 Where an Act passed after the commencement of this Act confers on any person or authority a power to make appointments to any office or place, the power shall, unless the contrary intention appears, be construed as including a power to remove or suspend any person appointed, and to appoint another person temporarily in the place of any person so suspended, or in place of any sick or absent holder of such office or place.

Power to appoint includes power to remove.
N.S.W., s. 30.

Provided that where the power of such person or authority to make any such appointment is only exercisable upon the recommendation or subject to the approval or consent of some other person or authority, such power of removal shall, unless the contrary intention appears, only be exercisable upon the recommendation or subject to the approval or consent of such other person or authority.

Subject to conditions.
Com. 1901, s. 33, ss. 4.

23 Any Court, Judge, Justice, Officer, Commissioner, arbitrator, or other person authorised by law, or by consent of parties, to hear and determine any matter, shall have authority to receive evidence and examine witnesses, and to administer an oath to or take an affirmation from all witnesses legally called before them respectively.

Power to determine includes authority to administer oath.
N.S.W., s. 33.
Com. 1901, s. 34

Distance and Time.

24 In the measurement of any distance for the purposes of any Act passed after the Twenty-second day of *September*, One thousand nine hundred, whether before or after the commencement of this Act, that distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane.

Measurement of distances.
Eng., s. 34.
Tas., s. 14.

25—(1.) Where in any Act, whether passed before or after the commencement of this Act, any period of time, dating from a given day, act, or event, is prescribed or allowed for any purpose, the time shall, unless the contrary intention appears, be reckoned exclusive of such day, or of the day of such act or event.

Reckoning of time.
Cf. *ibid.* (Com.), s. 36.
N.S.W., s. 35.
35 & 36 Vict. No. 9, s. 29 (S.A.).
Cf. s. 7 (Tas.).

(2.) Where—

i. the day prescribed or allowed : or

ii. the last day of any period prescribed or allowed—

by an Act for the doing of anything falls on a *Sunday*, or on any day which is a public or a bank holiday throughout the State of *Tasmania*, or part of that State in which the thing is to be or may be done, the thing may be done on the First day following which is not a *Sunday* or such public or bank holiday.

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*Citation of Acts.*Reference to
Acts.Cf. (N.S.W.), s.
24.

Com. 1901., s. 38.

26—(1.) An Act passed by the Parliament of *Tasmania* may be referred to by the word "Act" alone.

(2.) An Act passed by the Parliament of the United Kingdom may be referred to by the term "Imperial Act"

(3.) An Act passed by the Commonwealth of *Australia* may be referred to by the term of "Commonwealth Act."Citation of Acts,
52 & 53 Vict.
c. 63, s. 35.

Com. 1901, s. 40.

Cf. Tas., s. 6.

27—(1.) In any Act, instrument, or document—

i. any Act may be cited by its short title, or by reference to the secular or regnal year in which it was passed, and its number: and

ii. any Imperial Act may be cited by its short title (if any), or by reference to the regnal year in which it was passed, and its chapter: and

iii. any Commonwealth Act may be cited by its short title, or by a reference to the secular year in which it was passed and its number.

(2.) Any enactment may be cited by reference to the Part, Section, Sub-section, or other division of the Act, Imperial Act, or Commonwealth Act, in which the enactment is contained.

(3.) Every such reference shall be made according to the copy of such Act printed by the Government Printer of *Tasmania* or of the Commonwealth, or of the King's Printer in *London* (as the case may be), or purporting to be so printed.

Tas., s. 6, ss. (2.).

(4.) In any Act passed after the Twenty-second day of *September*, One thousand nine hundred, whether before or 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.Citation of an Act
includes a citation
of all its amending
Acts.52 Vict. No. 15,
s. 12 (N.Z.).**28** 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 the contrary intention appears by the context.*Repeal and Expiration of Acts.*Effect of repeal in
Acts passed since
5th *August*, 1853.
Cf. Eng., s. 11.
Tas., s. 5.
Com. 1901, s. 7.
Com. 1901, s. 9.**29**—(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 Act

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and substitutes provisions in lieu thereof, the repealed provisions shall remain in force until the substituted provisions come into operation. A.D. 1906.

30 Where an Act that repeals any Act contains a power to make by-laws, rules, or regulations, such repeal shall not affect any by-laws, rules, or regulations made under the repealed Act, in so far as they are not inconsistent with the provisions of the repealing Act, but the same shall to that extent be deemed to be made under the corresponding powers of the repealing Act, and may be altered or revoked accordingly.

31—(1.) Where this Act, or any Act passed after the Twenty-second day of *September*, One thousand nine hundred, whether before or 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.

(2.) Where this Act, or any Act passed after the Twenty-second day of *September*, One thousand nine hundred, whether before or after the commencement of this Act, repeals in the whole or in part a former Act, 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 Act so repealed, or anything duly done or suffered under any Act so repealed : or
- iii. affect any right, interest, title, privilege, obligation, or liability acquired, accrued, established, or incurred under any Act so repealed : or
- iv. affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any Act so repealed : or
- v. affect any investigation, legal proceeding, or remedy in respect of any such right, interest, title, 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.

32 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.

33 The expiration of an Act or enactment shall not affect any civil or criminal proceedings previously commenced under such Act or enactment, but every such proceeding may, unless the contrary intention appears in such Act or enactment, be continued, and everything in relation thereto be done, in all respects as if the Act or enactment continued in force.

3 Ed. VII. No. 18, s. 5 (N.Z.).
Saving of Rules, &c., on repeal of an Act.

Effect of repeal in Acts passed after 1900.
Eng., s. 38.
Tas., s. 18.
Com. 1901, s. 8.

Matters in progress may be concluded under repealed Act.
52 Vict. No. 15, s. 21, ss. 5 (N.Z.).

Expiration of Act.
Ibid. (Com.), s. 11.
N.S.W., s. 9.
Cf. 3 Ed. VII. No. 10, s. 2, ss. 3 (Q.).

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Continuing Act to operate upon passing from expiration of continued Act. N.S.W., s. 5.

No penalties incurred in the interval.

34 When a Bill for continuing a temporary Act has been introduced into Parliament, and is still pending at the date of the expiration of such Act, such Bill, upon receiving the Royal Assent, shall, unless the contrary intention appears therein, be deemed to have taken effect in continuing such temporary Act on and from the date of its expiration : Provided that no person shall be subjected to any punishment, penalty, or forfeiture for or in respect of anything done, or omitted by him, contrary to any provision of the continued Act, between the date of its expiration and the date of such assent.

Contracts, &c., may be enforced, notwithstanding repeal or expiry of enactment. 52 Vict. No. 15, s. 21, ss. 6 (N.Z.).

35 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 which may have been lawfully made, entered into, or commenced under such enactment may (unless the contrary is expressly provided by the repealing or expiring enactment, as the case may be) be exercised and performed in all respects as if the repealed or expired enactment had continued in force.

General Provisions.

Proclamations judicially noticed. N.S.W., s. 34. Com. 1901, s. 31.

36 Judicial notice shall be taken of every proclamation or order by the Governor in Council made, or purporting to be made, in pursuance of any Act or Imperial Act, and published in the *Gazette*.

Authority under which Orders-in-Council, &c., made need not be recited. *Ibid.* (N.Z.), s. 23.

37 Wherever by any Act 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 offences under Two or more laws. Eng., s. 33. Tas., s. 13. Com. 1901, s. 30.

38 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.

Meaning of service by post. Eng., s. 26. Tas., s. 9. Com., 1901, s. 29.

39 Where an Act passed after the Twenty-second day of *September* One thousand nine hundred, whether before or 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

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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. A.D. 1906.

40 The penalty, pecuniary or other, set out—

- i. at the foot of any Section of any Act passed after the commencement of this Act : or Penalties at foot of Sections or Sub-sections. Com. 1904, No. 1, s. 3.
- ii. at the foot of any Sub-section of any Section of any Act so passed, but not at the foot of the Section—

shall indicate that any contravention of the Section or of the Sub-section respectively, whether by act or omission, shall be an offence against the Act, punishable upon conviction by a penalty not exceeding the penalty mentioned.

Provided that where the penalty is expressed to apply to a part only of the Section or Sub-section, it shall apply to that part only.

41 All pecuniary penalties for any offence against any Act passed after the commencement of this Act, may, unless the contrary intention appears in the Act, be recovered in a summary way before One or more Justices in the mode prescribed by *The Magistrates Summary Procedure Act*. Pecuniary penalties. Com. 1904, s. 6.

42 Where under any Act passed after the commencement of this Act imprisonment may be awarded for any offence, it may be awarded with or without hard labour. Imprisonment. Com. 1904, s. 7.

43 Any attempt to commit an offence against any Act passed after the commencement of this Act shall, unless the contrary intention appears in the Act, be an offence against the Act, punishable as if the offence had been committed. Attempt to commit an offence to be deemed an offence. Com. 1904, s. 8.

44 Where an Act passed after the commencement of this Act confers power to make regulations, all regulations made accordingly shall, unless the contrary intention appears— Regulations. Com. 1904, s. 10.

i. be notified in the *Gazette* :

ii. take effect from the date of notification, or from a later date specified in the regulations :

iii. be laid before both Houses of the Parliament within Thirty days of the making thereof, or if the Parliament is not then sitting, within Thirty days after the next meeting of the Parliament.

But if either House of the Parliament passes a Resolution of which notice has been given at any time within Fifteen sitting days after such Saving for past Acts. Tas., s. 19. Eng., s. 40.

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regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

45 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.