



Australian Capital Territory

Imperial Acts (Repeal) Act 1988 No 94

Republication No 1

Republication date: 11 April 2002

Act not amended up to this date

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Imperial Acts (Repeal) Act 1988* as in force on 11 April 2002. It includes any commencement, repeal or expiry affecting the republished law and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Imperial Acts (Repeal) Act 1988

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Australian Capital Territory

Imperial Acts (Repeal) Act 1988

An Act to repeal certain Acts of the United Kingdom as part of the law of the ACT, and for related purposes

1 Short title

This Act may be cited as the *Imperial Acts (Repeal) Act 1988*.

2 Interpretation for Act

(1) In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

applied Imperial Act means—

- (a) an Imperial Act that—
 - (i) extended to the ACT as part of the law of the ACT of its own force immediately before 3 September 1939; and
 - (ii) had not ceased so to extend to the ACT before the commencing date; and
- (b) an Imperial Act, other than an Imperial Act referred to in paragraph (a), that—
 - (i) came into force as part of the law of the Colony of New South Wales—
 - (A) because of the common law on the foundation of that Colony; or
 - (B) under the *Australian Courts Act, 1828*, section 24 of the UK;
 - (ii) was in force in New South Wales immediately before 1 January 1911; and
 - (iii) was continued in force in the ACT by the *Seat of Government Acceptance Act 1909* (Cwlth), section 6; and
 - (iv) had not ceased to be in force in the ACT before the commencing date.

commencing date means the date of commencement of this Act.

continued applied Imperial Act means an applied Imperial Act—

- (a) the citation of which is specified in *Imperial Acts Application Act 1986*, schedule 1 or 2; or
- (b) the citation of which is specified in *Imperial Acts Application Act 1986*, section 4 (1), being such an Act that had not ceased to be in force in the ACT before the commencing date under that Act, section 4 (2) or (3).

Imperial Act means—

- (a) a public Act of the Parliament of England included in the public Acts of the Parliament of England from and including the Act 20 Hen. 3 c. 1 (the Statute of Merton), enacted in 1235, to and including the Act 6 Anne c. 34, enacted in 1706; or
 - (b) a public Act of the Parliament of Great Britain included in the public Acts of the Parliament of Great Britain from and including the Act 6 Anne c. 35, enacted in 1707, to and including the Act 41 Geo. 3 c. 32, enacted in 1800; or
 - (c) a public Act of the Parliament of the United Kingdom included in the public Acts of the Parliament of the United Kingdom from and including the Act 41 Geo. 3 c. 1, enacted in 1801, to and including the Act 2 and 3 Geo. 6 c. 80, enacted in 1939.
- (2) In this Act, a reference to a part of the law of the ACT includes a reference to a part of the law of the Commonwealth in its application in the ACT.

3 Repeal

- (1) Subsection (2) applies to applied Imperial Acts other than continued applied Imperial Acts.
- (2) Subject to this Act, every applied Imperial Act to which this subsection applies ceases, on the commencing date, to be in force in the ACT as part of the law of the ACT.

4 Repeal, confirmation etc of continued applied Imperial Acts

- (1) If a continued applied Imperial Act (in this subsection called the *Principal Act*) has been repealed (whether expressly or by implication), confirmed, revived or perpetuated by another applied Imperial Act, other than a continued applied Imperial Act, that other applied Imperial Act, so far only as it repealed, confirmed, revived or perpetuated the Principal Act, continues to be in force in the ACT as part of the law of the ACT, notwithstanding this Act, section 3 (2), until the Principal Act ceases so to be in force in the ACT.
- (2) If an applied Imperial Act (in this subsection called the *Principal Act*) being an Act—
 - (a) that continues to be in force in the ACT as part of the law of the ACT because of subsection (1); or
 - (b) that continues so to be in force because of a prior application of this subsection;

has been repealed (whether expressly or by implication), confirmed, revived or perpetuated by another applied Imperial Act, other than a continued applied Imperial Act, that other applied Imperial Act, so far only as it repealed, confirmed, revived or perpetuated the Principal Act, continues to be in force in the ACT as part of the law of the ACT, notwithstanding this Act, section 3 (2), until the Principal Act ceases so to be in force in the ACT.

5 Amendments of continued applied Imperial Acts

- (1) If a continued applied Imperial Act (in this subsection called the *Principal Act*), being an Act that extends to the ACT as part of the law of the ACT either expressly or by necessary intendment, has been amended by another applied Imperial Act that so extends to the ACT, that other applied Imperial Act, so far only as it amended the Principal Act, continues to be in force in the ACT as part of the law

of the ACT, notwithstanding this Act, section 3 (2), until the Principal Act ceases so to be in force in the ACT.

- (2) If a continued applied Imperial Act (in this subsection called the *Principal Act*), other than a Act that extends to the ACT as part of the law of the ACT either expressly or by necessary intendment, has been amended by—

- (a) another applied Imperial Act that so extends to the ACT; or
- (b) another applied Imperial Act that does not so extend to the ACT;

that other applied Imperial Act, so far only as it amends the Principal Act, continues to be in force in the ACT as part of the law of the ACT, notwithstanding this Act, section 3 (2), until the Principal Act ceases so to be in force in the ACT.

- (3) For this section, an Imperial Act shall be taken to amend another Imperial Act if it—
- (a) repeals the other Imperial Act in part; or
 - (b) omits a part of the other Imperial Act, whether or not it inserts a new provision in place of the part so omitted; or
 - (c) inserts a new provision in that other Imperial Act; or
 - (d) otherwise alters or modifies the operation or effect of that other Imperial Act.

6 Imperial Acts extending to the Commonwealth

- (1) Nothing in this Act affects the operation in the ACT of an Imperial Act that extends to, or has effect in, the Commonwealth as part of the law of the Commonwealth.
- (2) Without limiting subsection (1), nothing in this Act affects the operation in the ACT of—
 - (a) Imperial Act 63 and 64 Vic. c. 12 (*Constitution of Australia Act 1900*); or

- (b) Imperial Act 22 and 23 Geo. 5 c. 4 (*Statute of Westminster 1931*).

7 Savings

- (1) The ceasing of an applied Imperial Act or of a part of an applied Imperial Act to be in force in the ACT as part of the law of the ACT under this Act does not—
 - (a) revive anything not in force or existing within the ACT at the time when that Act or that part of that Act so ceased to be in force; or
 - (b) affect the previous operation of that Act, or of that part of that Act, within the ACT, or anything duly done or suffered under that Act, or that part of that Act, in its application in the ACT; or
 - (c) affect a right, privilege or obligation or liability acquired, accrued or incurred under that Act, or that part of that Act, in its application in the ACT, or an investigation, legal proceeding or remedy, in respect of such a right, privilege, obligation or liability; or
 - (d) affect a penalty, forfeiture or punishment incurred in respect of an offence committed against that Act or that part of that Act, in its application in the ACT, or an investigation, legal proceeding or remedy in respect of such a penalty, forfeiture or punishment;and such an investigation, legal proceeding or remedy may be instituted, continued or enforced, and such a penalty, forfeiture or punishment may be imposed, as if this Act had not been made.
- (2) Without limiting subsection (1), the ceasing of any applied Imperial Act, or of any part of such an Act, to be in force in the ACT as part of the law of the ACT under this Act does not affect any rule of law or equity in force in the ACT otherwise than because of that Act, or of that part of that Act.

- (3) Notwithstanding the ceasing of Imperial Act 24 Geo. 2 c. 23 (*Calendar (New Style) Act 1750*) to be in force in the ACT, the years (including leap years), months and days shall continue to occur, and be reckoned, in accordance with the calendar established by that Act.

8 Administration

An Imperial Act that continues in force in the ACT as part of the law of the ACT under section 4 or 5 shall, in its application in the ACT as part of the law of the ACT, be administered by the Minister for State who administers the continued applied Imperial Act that it repealed, confirmed, revived, perpetuated or amended.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
ins = inserted/added	renum = renumbered
LA = Legislation Act 2001	reloc = relocated
LR = legislation register	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

The *Imperial Acts (Repeal) Act 1988* was originally the *Imperial Acts (Repeal) Ordinance 1988*. It became an ACT Act on self-government (11 May 1989).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

Legislation before self-government

Imperial Acts (Repeal) Act 1988 No 94

notified 21 December 1988

commenced 21 December 1988

Authorised when accessed at www.legislation.act.gov.au or in authorised printed form

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