



Australian Capital Territory

Former UK Acts (Interpretation) Act 1988 No 94

Republication No 2

Republication date: 29 May 2002

Last amendment made by Act 2002 No 11

Amendments incorporated to 28 May 2002

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Former UK Acts (Interpretation) Act 1988* as in force on 29 May 2002. It includes any amendment, repeal or expiry affecting the republished law to 28 May 2002 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 does not include 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.

Amendments incorporated to
28 May 2002



Australian Capital Territory

Former UK Acts (Interpretation) Act 1988

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Amendments incorporated to
28 May 2002



Australian Capital Territory

Former UK Acts (Interpretation) Act 1988

An Act about the interpretation of former UK Acts

1 Name of Act

This Act is the *Former UK Acts (Interpretation) Act 1988*.

2 Purpose

The purpose of this Act is to assist in the interpretation of former UK Acts.

Note The former UK Acts are listed in the *Legislation Act 2001*, sch 1.

3 Application

- (1) Schedule 1 applies to all former UK Acts according to its terms.
- (2) However, if a year is set out in brackets at the end of a provision of schedule 1, the provision applies only to former UK Acts passed after the year.
- (3) Also, if schedule 1 makes some other provision, the schedule applies in accordance with that provision.
- (4) A year set out as mentioned in subsection (2) does not form part of schedule 1.

4 Meaning of certain references

In this Act, a reference to a former UK Act passed at a particular time is a reference to the former UK Act that immediately before it became a former UK Act was a UK Act passed at that time.

5 Relationship with Legislation Act 2001

- (1) If a provision of schedule 1 is inconsistent with a provision of the *Legislation Act 2001*, the provision of the schedule prevails to the extent of the inconsistency.
- (2) Without limiting subsection (1), if a provision of schedule 1 dealing with a matter does not apply to all former UK Acts and a provision of the *Legislation Act 2001* also deals with the matter (whether or

not in the same way), then, for that subsection, the provision of the schedule is taken to be intended to deal exclusively with the matter.

Schedule 1 Rules for interpreting former UK Acts

(see s 3)

Part 1.1 Interpretation

1 Definitions for pt 1.1

In a former UK Act:

Bank of England means, as the context requires, the Governor and Company of the Bank of England or the bank of the Governor and Company of the Bank of England.

British Islands means—

- (a) in a former UK Act passed after the year 1889 and before the establishment of the Irish Free State—the United Kingdom, the Channel Islands and the Isle of Man; and
- (b) in a former UK Act passed after the establishment of the Irish Free State—the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland.

British possession means any part of the dominions of the Crown outside the United Kingdom. (1889)

British subject means—

- (a) an Australian citizen; or
- (b) any other person who because of his or her citizenship of another country would, if the *Australian Citizenship Act 1948* (Cwlth), part 2 had continued in force after 30 April 1987, have been a person who has the status of a British subject under that part.

colonial legislature, of a British possession, means the authority, other than the United Kingdom Parliament or the Crown in Council, competent to make laws for the possession. (1889)

colony means any part of the dominions of the Crown outside the British Islands and, in a former UK Act passed in or after 1889 (the *first Act*), includes any part of those dominions that has, after the passing of the first Act, ceased, under a provision of a later UK Act, to be a colony, but only in the application of the first Act before the commencement of the provision of the later Act, but does not include—

- (a) countries having fully responsible status within the Commonwealth of Nations; and
- (b) associated states. (1889)

Commonwealth citizen means a person other than a British subject who would, if the *Australian Citizenship Act 1948* (Cwlth), part 2 had continued in force after 30 April 1987, have been a person who has the status of a British subject under that part.

Comptroller and Auditor-General means the Comptroller-General of the receipt and issue of the Crown's Exchequer and Auditor-General of Public Accounts appointed under the *Imperial Exchequer and Audit Departments Act 1866* (UK).

consular officer has the same meaning as in the Vienna Convention, article 1 (which is set out in the *Consular Privileges and Immunities Act 1972* (Cwlth), schedule).

Governor-General, of a British possession, includes any person who for the time being has the powers of the Governor-General of the possession. (1889)

Governor, of a British possession, includes the officer for the time being administering the government of the possession. (1889)

legislature—see **colonial legislature**. (1889)

Lord Chancellor means the Lord High Chancellor of Great Britain.

person includes a body. (1889)

Privy Council means the Lords and others of the Crown's Most Honourable Privy Council.

Secretary of State means a Principal Secretary of State of the Crown.

statutory declaration includes a declaration made under a law of a State, Territory or foreign country that authorises a declaration to be made otherwise than in the course of a legal proceeding.

2 References to courts

In a former UK Act, a reference to any court (however described) other than a court of summary jurisdiction is a reference to the Supreme Court.

3 Dominions under central and local legislature

For clause 1, definitions of *British possession* and *colony*, if any part of the dominions of the Crown outside the United Kingdom are under both a central and local legislature, all parts under the central legislature are taken to be a single British possession or colony, as the case requires. (1889)

4 Gender and number

(1) In a former UK Act—

- (a) words importing the masculine gender include the feminine;
and
- (b) words importing the feminine gender include the masculine;
and
- (c) words in the singular include the plural and words in the plural include the singular.

- (2) This clause applies—
- (a) to former UK Acts passed before 1851 only in relation to offences punishable on indictment or summary conviction; and
 - (b) to former UK Acts passed after 1850.

5 References to service by post

If a former UK Act authorises or requires a document to be served by post (whether the expression ‘serve’, ‘give’ or ‘send’ or any other expression is used), the service is taken to be made by properly addressing, prepaying and posting a letter containing the document. (1889)

Part 1.2 Miscellaneous

6 Citation of other UK Acts

If a former UK Act cites another UK Act by year, statute, session or chapter, or a provision of another UK Act by number or letter, the reference is a reference—

- (a) for Acts included in any revised edition of the UK statutes printed by authority—to that edition; and
- (b) for Acts not so included but included in the edition prepared under the direction of the Record Commission—to that edition; and
- (c) in any other case—to the Acts printed by the Printer to the Crown, or under the superintendence or authority of the Crown’s Stationary Office. (1889)

7 References to other enactments

- (1) If a former UK Act refers to an enactment, the reference is a reference to the enactment as amended, and includes a reference to that enactment as extended or applied under any other enactment, including any other provision of that Act. (1889)

Schedule 1 Rules for interpreting former UK Acts
Part 1.2 Miscellaneous

Clause 7

- (2) However, if a former UK Act refers to another UK Act, the reference is a reference to the other Act as for the time being amended and in force in the Territory.

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

Endnotes

3 Legislation history

3 Legislation history

This Act was originally a Commonwealth ordinance— the *Imperial Acts (Repeal) Ordinance 1988* No 94 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

The Act was renamed the *Former UK Acts (Interpretation) Act 1988* by the *Legislation Amendment Act 2002* (see amdt 2.53).

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 becoming Territory enactment

Former UK Acts (Interpretation) Act 1988 No 94

notified 21 December 1988

commenced 21 December 1988

as amended by

Legislation after becoming Territory enactment

Legislation Amendment Act 2002 No 11 pt 2.27

notified LR 27 May 2002

s 1, s 2 commenced 27 May 2002 (LA s 75)

pt 2.27 commenced 28 May 2002 (s 2 (1))

4 Amendment history

Title

title sub 2002 No 11 amdt 2.52

Name of Act

s 1 sub 2002 No 11 amdt 2.53

Purpose

s 2 sub 2002 No 11 amdt 2.54

Application

s 3 sub 2002 No 11 amdt 2.54

Meaning of certain references

s 4 sub 2002 No 11 amdt 2.54

Relationship with Legislation Act 2001

s 5 sub 2002 No 11 amdt 2.54

Imperial Acts extending to the Commonwealth

s 6 om 2002 No 11 amdt 2.54

Savings

s 7 om 2002 No 11 amdt 2.54

Administration

s 8 om 2002 No 11 amdt 2.54

Rules for interpreting former UK Acts

sch 1 ins 2002 No 11 amdt 2.55

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	not amended	11 April 2002

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

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