



## ANALYSIS

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1983, No. 22

**An Act to amend the Acts Interpretation Act 1924**

[7 October 1983]

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

**1. Short Title and commencement**—(1) This Act may be cited as the Acts Interpretation Amendment Act 1983, and shall be read together with and deemed part of the Acts Interpretation Act 1924 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on a date to be appointed by the Governor-General by Order in Council.

**2. Interpretation**—(1) Section 4 of the principal Act is hereby amended by inserting, after the definition of the term “Act”, the following definition:

“ ‘Administrator of the Government’ means the Administrator of the Government authorised by law to perform all or any of the functions of the Governor-General whenever the office of the

Governor-General is vacant or the holder of the office of Governor-General is for any reason unable to perform all or any of the functions of the office of Governor-General.”.

(2) Section 4 of the principal Act is hereby amended by repealing the definitions of the terms “Governor” and “Governor in Council”, and substituting the following definitions:

“ ‘Governor-General’ or ‘Governor’ means the Governor-General of New Zealand; and includes the Administrator of the Government:

“ ‘Governor-General in Council’ or ‘Governor 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:”.

**3. Orders in Council, etc., how advice and consent of Executive Council signified**—The principal Act is hereby amended by repealing section 23, and substituting the following section:

“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, or where in any such Act any other like expression is used in relation either to the Governor-General or to Her Majesty the Queen, or where Her Majesty or the Governor-General, in exercising any other power or authority belonging to the Crown, whether prerogative or statutory, does so on the advice and with the consent of the Executive Council of New Zealand (in this section called an exercise of authority) it shall be sufficient, and shall be deemed always to have been sufficient, if the advice and consent of the Executive Council to such exercise of authority is signified at a meeting of the Council, although Her Majesty or, as the case may require, 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 law relating thereto for the time being in force.

“(2) On the advice and consent of the Executive Council being signified in manner aforesaid, Her Majesty the Queen or the Governor-General may exercise the authority in like manner as if Her Majesty had herself, or the Governor-General 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 Her Majesty the Queen or the Governor-General shall be called in question in any Court on the ground that Her Majesty or, as the case may require, the Governor-General was not prevented by any necessary or reasonable cause from attending any such meeting of the Executive Council as aforesaid.”

**4. New sections inserted**—The principal Act is hereby amended by inserting, after section 25A (as inserted by section 2 (1) of the Acts Interpretation Amendment Act 1973), the following sections:

“**25B. Governor-General may act under certain Imperial Acts**—In any Imperial Act which is in force in New Zealand any reference to the Governor of New Zealand or of the colony shall be read as a reference to the Governor-General.

“**25C. Administrator of the Government may act under certain Imperial Acts**—In any Imperial Act which is in force in New Zealand any reference to the Governor-General or Governor of New Zealand or of the colony shall be read as including a reference to the Administrator of the Government.”

**5. Repeals**—The following enactments are hereby consequentially repealed, namely,—

- (a) Section 80 of the New Zealand Constitution Act 1852:
- (b) Section 19 (2) of the Oaths and Declarations Act 1957.

**6. Application of Act to Tokelau**—(1) This Act shall be in force in Tokelau.

(2) Sections 25B and 25C of the principal Act apply not only in respect of any Imperial Act which is in force in New Zealand but also in respect of any Imperial Act which is in force in Tokelau.