



ANALYSIS

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1999, No. 85

An Act relating to the interpretation, application, and effect of legislation
[3 August 1999]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Interpretation Act 1999.

PART 1

PURPOSES, COMMENCEMENT, AND APPLICATION

2. Purposes of this Act—The purposes of this Act are—

- (a) To state principles and rules for the interpretation of legislation; and
- (b) To shorten legislation; and
- (c) To promote consistency in the language and form of legislation.

3. Commencement—This Act comes into force on 1 November 1999.

4. Application—(1) This Act applies to an enactment that is part of the law of New Zealand and that is passed either before or after the commencement of this Act unless—

- (a) The enactment provides otherwise; or
- (b) The context of the enactment requires a different interpretation.

(2) The provisions of this Act also apply to the interpretation of this Act.

PART 2

PRINCIPLES OF INTERPRETATION

5. Ascertaining meaning of legislation—(1) The meaning of an enactment must be ascertained from its text and in the light of its purpose.

(2) The matters that may be considered in ascertaining the meaning of an enactment include the indications provided in the enactment.

(3) Examples of those indications are preambles, the analysis, a table of contents, headings to Parts and sections, marginal notes, diagrams, graphics, examples and explanatory material, and the organisation and format of the enactment.

Cf. 1924, No. 11, s. 5 (j)

6. Enactments apply to circumstances as they arise—An enactment applies to circumstances as they arise.

Cf. 1924, No. 11, s. 5 (d)

7. Enactments do not have retrospective effect—An enactment does not have retrospective effect.

PART 3

SPECIFIC PROVISIONS APPLYING TO LEGISLATION

Commencement of Legislation

8. Date of commencement of Acts—(1) An Act or an enactment in an Act comes into force on the date stated or provided in the Act for the commencement of the Act or for the commencement of the enactment.

(2) If an Act does not state or provide for a commencement date, the Act comes into force on the day after the date of assent.

Cf. 1924, No. 11, s. 10A; 1986, No. 115, s. 6

9. Date of commencement of regulations—(1) Regulations or enactments in regulations come into force on the date stated or provided in the regulations for the commencement of the regulations or for the commencement of the enactments.

(2) If regulations do not state or provide for the date on which the regulations or enactments in the regulations come into force, the regulations come into force on the day after the date of their notification in the *Gazette*.

10. Time of commencement of legislation—(1) An enactment comes into force at the beginning of the day on which the enactment comes into force.

(2) If an enactment is expressed to take effect from a particular day, the enactment takes effect at the beginning of the next day.

(3) An Order in Council may appoint a day for an enactment to come into force that is the same day as the day on which the

Order in Council is made, in which case the enactment comes into force at the beginning of that day.

Cf. 1924, No. 11, s. 10; 1986, No. 115, s. 6

Exercise of Powers Between Passing and Commencement of Legislation

11. Exercise of powers between passing and commencement of legislation—(1) A power conferred by an enactment may be exercised before the enactment comes into force or takes effect to—

- (a) Make a regulation or rule or other instrument; or
- (b) Serve a notice or document; or
- (c) Appoint a person to an office or position; or
- (d) Establish a body of persons; or
- (e) Do any other act or thing for the purposes of an enactment.

(2) The power may be exercised only if the exercise of the power is necessary or desirable to bring, or in connection with bringing, an enactment into operation.

(3) The power may not be exercised if anything that results from exercising the power comes into force or takes effect before the enactment itself comes into force unless the exercise of the power is necessary or desirable to bring, or in connection with bringing, the enactment into operation.

(4) Subsection (1) applies as if the enactment under which the power is exercised and any other enactment that is not in force when the power is exercised were in force when the power is exercised.

Cf. 1924, No. 11, s. 12

Exercise of Powers in Legislation Generally

12. Power to appoint to an office—The power to appoint a person to an office includes the power to—

- (a) Remove or suspend a person from the office;
- (b) Reappoint or reinstate a person to the office;
- (c) Appoint another person in place of a person who—
 - (i) Has vacated the office; or
 - (ii) Has died; or
 - (iii) Is absent; or
 - (iv) Is incapacitated in a way that affects the performance of that person's duty.

Cf. 1924, No. 11, s. 25 (f)

13. Power to correct errors—The power to make an appointment or do any other act or thing may be exercised to correct an error or omission in a previous exercise of the power even though the power is not generally capable of being exercised more than once.

Cf. 1924, No. 11, s. 25 (j); 1936, No. 58, s. 2

14. Exercise of powers by deputies—A power conferred on the holder of an office, other than a Minister of the Crown, may be exercised by the holder's deputy lawfully acting in the office.

Cf. 1924, No. 11, s. 25 (e); 1986, No. 115, s. 7

15. Power to amend or revoke—The power to make or issue a regulation, Order in Council, Proclamation, notice, rule, bylaw, Warrant, or other instrument includes the power to—

- (a) Amend or revoke it:
- (b) Revoke it and replace it with another.

Cf. 1924, No. 11, s. 25 (h)

16. Exercise of powers and duties more than once—(1) A power conferred by an enactment may be exercised from time to time.

(2) A duty or function imposed by an enactment may be performed from time to time.

Cf. 1924, No. 11, s. 25 (g)

Repeals

17. Effect of repeal generally—(1) The repeal of an enactment does not affect—

- (a) The validity, invalidity, effect, or consequences of anything done or suffered:
 - (b) An existing right, interest, title, immunity, or duty:
 - (c) An existing status or capacity:
 - (d) An amendment made by the enactment to another enactment:
 - (e) The previous operation of the enactment or anything done or suffered under it.
- (2) The repeal of an enactment does not revive—
- (a) An enactment that has been repealed or a rule of law that has been abolished:
 - (b) Any other thing that is not in force or existing at the time the repeal takes effect.

Cf. 1924, No. 11, s. 20 (a), (e), (f)

18. Effect of repeal on enforcement of existing rights—

(1) The repeal of an enactment does not affect the completion of a matter or thing or the bringing or completion of proceedings that relate to an existing right, interest, title, immunity, or duty.

(2) A repealed enactment continues to have effect as if it had not been repealed for the purpose of completing the matter or thing or bringing or completing the proceedings that relate to the existing right, interest, title, immunity, or duty.

Cf. 1924, No. 11, ss. 20 (g), (h), 22

19. Effect of repeal on prior offences and breaches of enactments—(1) The repeal of an enactment does not affect a liability to a penalty for an offence or for a breach of an enactment committed before the repeal.

(2) A repealed enactment continues to have effect as if it had not been repealed for the purpose of—

(a) Investigating the offence or breach:

(b) Commencing or completing proceedings for the offence or breach:

(c) Imposing a penalty for the offence or breach.

Cf. 1924, No. 11, s. 20 (h)

20. Enactments made under repealed legislation to have continuing effect—(1) An enactment made under a repealed enactment, and that is in force immediately before that repeal, continues in force as if it had been made under any other enactment—

(a) That, with or without modification, replaces, or that corresponds to, the enactment repealed; and

(b) Under which it could be made.

(2) An enactment that continues in force may be amended or revoked as if it had been made under the enactment that replaces, or that corresponds to, the repealed enactment.

Cf. 1924, No. 11, ss. 20 (d), 20A; 1960, No. 50, s. 2

21. Powers exercised under repealed legislation to have continuing effect—Anything done in the exercise of a power under a repealed enactment, and that is in effect immediately before that repeal, continues to have effect as if it had been exercised under any other enactment—

(a) That, with or without modification, replaces, or that corresponds to, the enactment repealed; and

(b) Under which the power could be exercised.

Cf. 1924, No. 11, ss. 20 (d), 20A; 1960, No. 50, s. 2

22. References to repealed enactment—(1) The repeal of an enactment does not affect an enactment in which the repealed enactment is applied, incorporated, or referred to.

(2) A reference in an enactment to a repealed enactment is a reference to an enactment that, with or without modification, replaces, or that corresponds to, the enactment repealed.

(3) Subsection (1) is subject to subsection (2).

Cf. 1924, No. 11, ss. 20 (b), 21

Amending Legislation

23. Amending enactment part of enactment amended—An amending enactment is part of the enactment that it amends.

Authority to Make Certain Enactments

24. Authority to make certain enactments—(1) It is not necessary for an enactment, Proclamation, Order in Council, warrant, or other instrument made under an enactment to refer to facts, circumstances, or preconditions that must exist or be satisfied before the enactment, Proclamation, Order in Council, Warrant, or other instrument can be made.

(2) An enactment, Proclamation, Order in Council, Warrant, or other instrument is not invalid just because the enactment under which it is expressed to have been made does not authorise its making as long as its making is authorised by another enactment.

Cf. 1924, No. 11, s. 24

25. Amendment and revocation of regulations made by Act—Regulations amended or substituted by an Act may be amended, replaced, or revoked by subsequent regulations as if they had been made by regulation.

Forms

26. Use of prescribed forms—A form is not invalid just because it contains minor differences from a prescribed form as long as the form still has the same effect and is not misleading.

Cf. 1924, No. 11, s. 5 (i)

PART 4

APPLICATION OF LEGISLATION TO THE CROWN

27. Enactments not binding on the Crown—No enactment binds the Crown unless the enactment expressly provides that the Crown is bound by the enactment.

Cf. 1924, s. 5 (k)

28. Review of this Part—(1) The Ministry of Justice must, by 30 June 2001, report to the Minister of Justice—

- (a) Whether it is desirable that the law be changed so that all enactments bind the Crown unless provided otherwise; and
- (b) Whether changes in the law may be required to impose criminal liability on the Crown for the breach of any enactment.

(2) In preparing the report, the Ministry must consider any reports prepared by the Law Commission or any other body relating to the liability of the Crown.

(3) As soon as practicable after receiving a report from the Ministry, the Minister must present a copy of it to the House of Representatives.

PART 5

MEANING OF TERMS AND EXPRESSIONS IN LEGISLATION

29. Definitions—In an enactment,—

“Act” means an Act of the Parliament of New Zealand or of the General Assembly; and includes an Imperial Act that is part of the law of New Zealand:

“Commencement”, in relation to an enactment, means the time when the enactment comes into force:

“Committed for trial” means committed to the High Court or a District Court under the Summary Proceedings Act 1957:

“Commonwealth country” and “part of the Commonwealth” mean a country that is a member of the Commonwealth; and include a territory for the international relations of which the member is responsible:

“Consular officer” means a person who has authority to exercise consular functions:

“Enactment” means the whole or a portion of an Act or regulations:

“*Gazette*” means the New Zealand Gazette published or purporting to be published under the authority of the

- New Zealand Government; and includes a supplement:
- “Governor-General in Council” or a similar expression means the Governor-General acting on the advice and with the consent of the Executive Council:
- “Minister”, in relation to an enactment, means the Minister of the Crown who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of an enactment:
- “Month” means a calendar month:
- “New Zealand” or similar words referring to New Zealand, when used as a territorial description, mean the islands and territories within the Realm of New Zealand; but do not include the self-governing State of the Cook Islands, the self-governing State of Niue, Tokelau, or the Ross Dependency:
- “North Island” means the island commonly known as the “North Island”; and includes the islands adjacent to it north of Cook Strait:
- “Order in Council” means an order made by the Governor-General in Council:
- “Person” includes a corporation sole, a body corporate, and an unincorporated body:
- “Prescribed” means prescribed by or under an enactment:
- “Proclamation” means a proclamation made and signed by the Governor-General under the Seal of New Zealand and published in the *Gazette*:
- “Public notification”, “public notice”, or a similar expression in relation to an act, matter, or thing, means a notice published in—
- (a) The *Gazette*; or
 - (b) One or more newspapers circulating in the place or district to which the act, matter, or thing relates or in which it arises:
- “Regulations” means—
- (a) Regulations, rules, or bylaws made under an Act by the Governor-General in Council or by a Minister of the Crown:
 - (b) An Order in Council, Proclamation, notice, Warrant, or instrument, made under an enactment that varies or extends the scope or provisions of an enactment:
 - (c) An Order in Council that brings into force, repeals, or suspends an enactment:

(d) Regulations, rules, or an instrument made under an Imperial Act or the Royal prerogative and having the force of law in New Zealand:

(e) An instrument that is a regulation or that is required to be treated as a regulation for the purposes of the Regulations Act 1936 or the Acts and Regulations Publication Act 1989 or the Regulations (Disallowance) Act 1989:

(f) An instrument that revokes regulations, rules, bylaws, an Order in Council, a Proclamation, a notice, a Warrant, or an instrument, referred to in paragraphs (a) to (e):

“Repeal”, in relation to an enactment, includes expiry, revocation, and replacement:

“Rules of Court”, in relation to a court, means rules regulating the practice and procedure of the court:

“South Island” means the island commonly known as the “South Island”; and includes the islands adjacent to it south of Cook Strait:

“Summary conviction” means a conviction by a District Court Judge or by 1 or more Justices of the Peace in accordance with the Summary Proceedings Act 1957:

“Territorial limits of New Zealand”, “limits of New Zealand”, or a similar expression, when used as a territorial description, means the outer limits of the territorial sea of New Zealand:

“Working day” means a day of the week other than—

(a) A Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s Birthday, and Labour Day; and

(b) A day in the period commencing with 25 December in a year and ending with 2 January in the following year; and

(c) If 1 January falls on a Friday, the following Monday; and

(d) If 1 January falls on a Saturday or a Sunday, the following Monday and Tuesday:

“Writing” includes representing or reproducing words, figures, or symbols—

(a) In a visible and tangible form by any means and in any medium:

(b) In a visible form in any medium by electronic means that enables them to be stored in permanent form and be retrieved and read.

Cf. 1924, No. 11, s. 4

30. Definitions in enactments passed or made before commencement of this Act—In an enactment passed or made before the commencement of this Act,—

“Act” includes rules and regulations made under the Act:

“Constable” includes a police officer of any rank:

“Governor” means the Governor-General:

“Land” includes messuages, tenements, hereditaments, houses, and buildings, unless there are words to exclude houses and buildings, or to restrict the meaning to tenements of some particular tenure:

“Person” includes a corporation sole, and also a body of persons, whether corporate or unincorporate.

Cf. 1924, No. 11, s. 4

31. Use of masculine gender in enactments passed or made before commencement of this Act—In an enactment passed or made before the commencement of this Act, words denoting the masculine gender include females.

32. Parts of speech and grammatical forms—Parts of speech and grammatical forms of a word that is defined in an enactment have corresponding meanings in the same enactment.

33. Numbers—Words in the singular include the plural and words in the plural include the singular.

Cf. 1924, No. 11, s. 4

34. Meaning of words and expressions used in regulations and other instruments—A word or expression used in a regulation, Order in Council, Proclamation, notice, rule, bylaw, Warrant, or other instrument made under an enactment has the same meaning as it has in the enactment under which it is made.

Cf. 1924, No. 11, s. 7

35. Time—(1) A period of time described as beginning at, on, or with a specified day, act, or event includes that day or the day of the act or event.

(2) A period of time described as beginning from or after a specified day, act, or event does not include that day or the day of the act or event.

(3) A period of time described as ending by, on, at, or with, or as continuing to or until, a specified day, act, or event includes that day or the day of the act or event.

(4) A period of time described as ending before a specified day, act, or event does not include that day or the day of the act or event.

(5) A reference to a number of days between 2 events does not include the days on which the events happened.

(6) A thing that, under an enactment, must or may be done on a particular day or within a limited period of time may, if that day or the last day of that period is not a working day, be done on the next working day.

Cf. 1924, No. 11, s. 25 (a), (b)

36. Distance—A reference to a distance means a distance measured in a straight line on a horizontal plane.

Cf. 1924, No. 11, s. 25 (c)

PART 6

AMENDMENTS AND REPEALS

37. Amendments to other Acts—The enactments specified in Schedule 1 are amended in the manner indicated in that schedule.

38. Repeals and saving—(1) The enactments specified in Schedule 2 are repealed.

(2) Section 26 of the Acts Interpretation Act 1908 as set out in Schedule 2 of the Acts Interpretation Act 1924 continues in force despite the repeal of both of those Acts.

SCHEDULES

Section 37

SCHEDULE 1

AMENDMENTS TO OTHER ACTS

Enactment	Amendment
1988, No. 112—The Imperial Laws Application Act 1988 (R.S. Vol. 30, p.1)	By repealing section 3 (4).
1989, No. 143—The Regulations (Disallowance) Act 1989	<p>By repealing the definition of the term “regulations” in section 2, and substituting the following definition:</p> <p>“Regulations” means—</p> <p>“(a) Regulations, rules, or bylaws made under an Act by the Governor-General in Council or by a Minister of the Crown:</p> <p>“(b) An Order in Council, Proclamation, notice, Warrant, or instrument, made under an enactment that varies or extends the scope or provisions of an enactment:</p> <p>“(c) An Order in Council that brings into force, repeals, or suspends an enactment:</p> <p>“(d) Regulations, rules, or an instrument made under an Imperial Act or the Royal prerogative and having the force of law in New Zealand:</p> <p>“(e) An instrument that is a regulation or that is required to be treated as a regulation for the purposes of the Regulations Act 1936 or Acts and Regulations Publication Act 1989 or this Act:</p> <p>“(f) An instrument that revokes regulations, rules, bylaws, an Order in Council, a Proclamation, a notice, a Warrant, or an instrument, referred to in paragraphs (a) to (e).”</p>

SCHEDULE 2

Section 38

ENACTMENTS REPEALED

- 1924, No. 11—The Acts Interpretation Act 1924. (R.S. Vol. 31, p. 1.)
- 1936, No. 58—The Statutes Amendment Act 1936: Sections 2 and 3. (R.S. Vol. 31, p. 30.)
- 1942, No. 18—The Statutes Amendment Act 1942: Section 2. (R.S. Vol. 31, p. 30.)
- 1945, No. 40—The Statutes Amendment Act 1945: Section 2. (R.S. Vol. 31, p. 31.)
- 1952, No. 81—The Finance Act (No. 2) 1952: Section 27. (R.S. Vol. 31, p. 31.)
- 1960, No. 50—The Acts Interpretation Amendment Act 1960. (R.S. Vol. 31, p. 32.)
- 1962, No. 9—The Acts Interpretation Amendment Act 1962. (R.S. Vol. 31, p. 32.)
- 1973, No. 46—The Acts Interpretation Amendment Act 1973. (R.S. Vol. 31, p. 32.)
- 1979, No. 71—The Acts Interpretation Amendment Act 1979. (R.S. Vol. 31, p. 33.)
- 1979, No. 128—The Acts Interpretation Amendment Act (No. 2) 1979. (R.S. Vol. 31, p. 33.)
- 1983, No. 22—The Acts Interpretation Amendment Act 1983. (R.S. Vol. 31, p. 34.)
- 1986, No. 115—The Acts Interpretation Amendment Act 1986. (R.S. Vol. 31, p. 35.)
- 1988, No. 113—The Acts Interpretation Amendment Act 1988. (R.S. Vol. 31, p. 36.)
- 1989, No. 142—The Acts and Regulations Publication Act 1989: Sections 18 and 19. (R.S. Vol. 31, p. 36.)
- 1994, No. 22—The Acts Interpretation Amendment Act 1994.
- 1996, No. 70—The Acts Interpretation Amendment Act 1996.

This Act is administered in the Ministry of Justice.
