

QUEENSLAND LAW REFORM COMMISSION

***AN EXAMINATION OF THE IMPERIAL STATUTES
IN FORCE IN QUEENSLAND***

REPORT NO. 31

A Report of the Queensland Law Reform Commission

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QUEENSLAND

A REPORT OF THE LAW REFORM COMMISSION

IN RELATION TO AN EXAMINATION OF THE
IMPERIAL STATUTES IN FORCE IN QUEENSLAND

Q.L.R.C. 31

LAW REFORM COMMISSION

REPORT ON AN EXAMINATION OF THE
IMPERIAL STATUTES IN FORCE
IN QUEENSLAND

The first item on Part B of the Second programme of the Law Reform Commission approved by the Governor in Council is as follows:-

" To examine Imperial Statutes applicable to the State of Queensland with a view to the repeal of those which cannot be shown to continue to perform a useful or necessary function."

Section 24 of the Australian Courts Act 1828 provided that all laws and statutes in force within the realm of England as at 25th July, 1828 were to be applied in the administration of justice in the courts of New South Wales so far as they could be applied. The Colonial Laws Validity Act 1865 provides, in effect, that an Imperial Statute extends to a State only when it is made applicable by express words or necessary intendment. It is proposed to repeal all the Acts passed by the Imperial legislature prior to 25th July, 1828 with the exception of some acts in the above category and others to be retained because of their historical or constitutional importance.

The Commission has previously published three reports on Statute Law Revision. These led to the New South Wales Acts (Termination of Application) Act, 1973 and the two Acts Repeal Acts, 1973 and 1975. This report will conclude the initial stage of the Commission's work on Statute Law Revision.

A working paper was circulated to persons and bodies known to be interested in these matters, from whom comment and criticism were invited. In compiling this report regard has been given to the comments contained in those replies received.

Signed: _____ (Chairman)
(The Hon. Mr. Justice
D.G. Andrews)

Signed: _____ (Member)
(Prof. K.W. Ryan, Q.C.)

Signed: _____ (Member)
(Mr. B.H. McPherson, Q.C.)

Signed: _____ (Member)
(Mr. G.N. Williams, Q.C.)

Signed: _____ (Member)
(Sir John Rowell)

Signed: _____ (Member)
(Mr. J.R. Nosworthy)

CLAUSES OF THE BILL

PART I

Clauses 1 - 3. These are formal.

PART II

Clause 4. There are provisions of some Imperial Statutes operating in this State. These Statutes have been listed in the First Schedule and the provisions in question have been modified and are reproduced in Clauses 8 to 13 and will be referred to later.

Subclause 3. This Act will be of general application but if it is inconsistent with some particular provision elsewhere the particular provision prevails.

Subclause 4. Assistance in construction may be obtained from reference to the whole of the Imperial Statutes.

Subclause 5. This is an aid to interpretation.

Clause 5. In addition to the enactments contained in the First Schedule there are others which are not in every day use, yet are so fundamentally and historically important that they have been exempted from the operation of the general repealing section. Titles of these Acts appear in the Second Schedule.

Letters Patent constituting the Colony of Queensland are dated 6th June, 1859. Until that date Queensland was part of New South Wales and subject to its legislature and its acts and the laws and statutes of the Imperial Parliament in force as at 25th July, 1828 which is the date of the Australian Courts Act of 1828 (9 Geo. IV c.83).

Section 20 of the Queensland Supreme Court Act 1867 - 1973 provides that all laws and statutes in force in England at the time of passing of the Australian Courts Act, 25th July, 1828, were to be applied in Queensland. In addition, s.33 of the Constitution Act 1867 - 1978 provides that all laws, statutes and ordinances in force when the Act came into operation were to remain in operation.

Clause 5 of the Bill provides that each Imperial enactment mentioned in the second schedule in force in England at the time of passing of 9 George IV, c.83, to the extent that it continued in force in this State until the commencement of this Act continues in force in this State. These enactments will not be affected by the general repeal in clause 7.

Clause 6. Section 2 of the Colonial Laws Validity Act 1856 has been interpreted as meaning that this State cannot repeal any Imperial Act which has been made specifically applicable to it.

The third schedule contains the following acts which were made applicable to New South Wales, and therefore to this State. Accordingly they cannot be repealed:

| | | |
|---------------------|--------------------|-----------------------|
| 11 William III c.12 | 54 George III c.15 | 1 & 2 George IV c.121 |
| 42 George III c.85 | 59 George III c.60 | 5 George IV c.113 |

The acts in the schedule and any others made applicable to Queensland by express words or necessary intendment are exempt from the repeal effected by clause 7.

Clause 7. Section 24 of the Imperial Act 9 Geo. IV c.83 enacted that all Statutes in force in England at that time (1828) should apply to New South Wales so far as they could be therein applied. Annexure A contains all the acts of any significance which the Commission has been able to identify, except those previously repealed (Annexure B).

With the exception of the Acts listed in the three Schedules of the draft bill all the acts in Annexure A together with any other acts which became part of our general law prior to 1828 but which have not been mentioned specifically or which could not be identified will be repealed by clause 7.

PART III

Clause 8. The Imperial Statute 30 Charles II c.7 provided that all executors and administrators would be liable for wrongful waste or conversion of any goods of a deceased. The only section of 4 William & Mary c.24 of present day interest is that which renewed 30 Charles II c.7. Section 22 of the Equity Act 1867 - 1974, Order 3 of the Supreme Court Rules (Queensland) and Form 46 under the District Court Rules appear to acknowledge the existence of this type of action.

Section 29 of the English Administration of Estates Act 1925 was followed in section 15 of the New South Wales Imperial Acts Application Act 1969 which is now reproduced in this clause.

Clause 9. Under the Imperial Statute of 1677 no writ, process, warrant, order, judgment or decree may be served or executed on Sundays except in case of treason, felony or breach of the peace. Order 93 rule 15 of the Supreme Court Rules (Queensland) operates against the service of an instrument (except a Warrant in an admiralty action) on a Sunday. Section 75 of the Justices Act 1886 - 1978 permits the granting or issue of a warrant upon a complaint of an indictable offence, or a search warrant, on a Sunday as on any other day. Clause 9 of the attached Bill retains the existing law but excepts its application in case of an offence, breach of the peace, or any warrant, writ or process for the apprehension of any person. In this respect it resembles s.102(3) of the English Magistrates Court Act 1952.

Clause 10. The Life Assurance Act 1774 (Imp.) remains applicable in most Australian jurisdictions including Queensland. It has however been replaced in New South Wales and Victoria. The application of section 2 of such Act to Queensland was mentioned briefly in Carter Brothers v. Renouf III C.L.R. 140 at p.167.

In its report, L.R.C. 4, the New South Wales Commission deals with the question in considerable detail and refers to Davies v. Estates Pty. Ltd. v. National Insurance Co. of New Zealand (85 W.N. Pt.1) 184. Section 23 of the New South Wales Imperial Acts Application Act 1969 adapted and modernized the relevant sections of the English Act and clause 11 in the Queensland Bill reproduces s.23. A report by the Law Reform Commission of the Australian Capital Territory dated 25th August, 1972 discusses the Life Assurance Act and the New South Wales report. Inter alia it recommends amending s.23 (2) of the New South Wales Act to provide that where the person actually effecting a policy of insurance has

no interest therein, the policy should be void unless the names of all those who have an interest therein were inserted.

Discussion Paper 7 (Insurance Contracts) published by the Australian Law Reform Commission raised for consideration the question whether provisions of this nature should be abandoned. That Commission has not yet published its final report and in the absence of information to the contrary, these provisions as contained in the Life Assurance Act 1774 are recommended for retention in this draft bill.

Clauses 11 to 13. Section 5 of the Marine Insurance Act 1909 of the Commonwealth provided that the whole of the Imperial enactment 19 George II c.37 and so much of 28 George III c.56 as relates to marine insurance should not extend to any contract or policy to which the Commonwealth Act applied. Although the scope of the Commonwealth Act is a wide one, it is considered there could be areas of State authority previously covered by the Imperial Acts which would not be covered once these Acts were repealed. To meet any such eventuality, the draft bill includes provisions similar to those in sections 28 and 29 of the Marine Insurance Act 1909 (Commonwealth).

The remainder of the attached draft consists of the three schedules referred to in the introduction. The First Schedule consists of Imperial Acts for which substitutions are made in Part III of the Bill. The Second and Third Schedules list the Imperial Acts which will not be affected by the repeals enacted by clause 7.

In 1874, the late A. Oliver Esq., then Parliamentary Draftsman of New South Wales caused to be published in that State's Government Gazette a chronological table of Statutes of the Imperial legislature which related to New South Wales. In 1922, the Victorian Parliament passed the Imperial Acts Application Act which declared that certain Imperial enactments in force at the time of the passing of the Imperial Australian Courts Act of 1828 (9 Geo. IV c.83) did not apply in Victoria. The same Act also transcribed and consolidated a number of Imperial enactments making them specifically referable to Victoria. On 27th May, 1980, the Victorian Parliament enacted a further Imperial Acts Application Act. This Act repealed some Imperial Acts which appeared in Parts I and II of the Imperial Acts Application Act 1922 which were considered to be obsolete or unnecessary and also transcribed some other acts which are to be preserved in their existing form.

In 1967 the Law Reform Commission of New South Wales examined the Victorian Act, the late A. Oliver's tables and also Bignold's 'Imperial Statutes in force in New South Wales' with a view to identifying the Imperial Statutes then in force in New South Wales. Its report (L.R.C. 4) submitted as a result of this examination, recommended the repeal, retention, or re-enactment of a great number of Imperial Statutes. The Imperial Acts Application Act of 1969 (New South Wales) implemented the recommendations set out in that report.

The Law Reform Commission of Queensland has now examined the New South Wales report, the Victorian Act of 1922 and the explanatory paper prepared in conjunction with the bill which preceded that Act. A report on the Victorian Act compiled by a Mrs. G. Kewley, Research Assistant, Law Faculty, Monash University and other material relevant to the Imperial Acts Application Act 1980 has also been considered. Based on these examinations a draft bill has been prepared which is attached hereto. It is recommended that some Imperial Statutes be repealed and that others should be retained, either, because of their historical importance, or because they are still required in our legislation today. Again, certain provisions in a number of repealed statutes which it is considered still have present day utility have been modernised and included in the draft Bill. Furthermore, there are some Imperial Statutes which, because they expressly apply to Queensland, it is beyond the competence of the Queensland Legislature to repeal. Reference to these is made in the bill itself and in the three schedules of the Bill. The first schedule lists the Imperial Acts for which the provisions of Part III of the Bill are in substitution. The second schedule lists the Acts whose retention is recommended because of their historical significance. The third schedule lists the Acts which are beyond the competence of the Queensland Legislature to repeal.

The Commission recommends the adoption of the procedure followed in the Victorian and New South Wales Acts which provided that, with the exception of certain stipulated enactments, all enactments commencing with the Statute of Merton (1235 20 Hen. III) in force in England at the time of the passing of 9 Geo. IV c.83 (25th July, 1828) so far as they were in force in that particular State and so far as its Parliament had authority to repeal them, should be thereby repealed.

In Annexure A attached to this report are listed all the Imperial Statutes which the abovementioned examination indicates applied in this State. This list includes the Statutes which are to be replaced or retained referred to in the First and Second Schedules to the draft bill. The greater number of these Statutes will be those affected by the general repeal contained in clause 7. Annexure B lists a number of Statutes which have been retained in New South Wales and Victoria but which have been repealed already in Queensland. Annexure C lists a number of Statutes which have been retained or for which substitution was made in the New South Wales Imperial Acts Application Act 1969, but which, for reasons set out in the annexure have been omitted from the draft bill.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same as follows:-

PART I

1. Short title and commencement. (1) This Act may be cited as the Imperial Acts Application Act 198

(2) This Act shall commence on a date to be fixed by Proclamation.

(3) This Act binds the Crown not only in right of the State of Queensland but also so far as the legislative power of Parliament permits the Crown in all its other capacities.

2. Arrangement. This Act is divided into Parts and Divisions of Parts as follows:-

| | | |
|-----------|---|-----------------------------------|
| PART I | - | Preliminary (ss. 1-2) |
| PART II | - | General (ss. 3-7) |
| PART III | - | Substituted enactments (ss. 8-13) |
| SCHEDULES | | |

PART II

3. Interpretation. In the construction of this Act, unless inconsistent with the context or subject matter, the expression 'Imperial enactment' includes any Act passed by the Imperial Parliament.

4. Substitution of enactments. (1) The Imperial enactments mentioned in the First Schedule to this Act to the extent set out in Part III of this Act shall continue to have in Queensland whether separately or in combination with any unrepealed enactment or statutory provision such force and effect, if any, as they had at the commencement of this Act.

(2) Each Imperial enactment mentioned in the First Schedule to this Act is hereby repealed so far as it applies in Queensland.

(3) Each provision of Part III of this Act is substituted for the like provision of the Imperial enactment mentioned in the First Schedule of this Act.

(4) To the extent to which any provisions of Part III of this Act are inconsistent with any of the provisions of any Queensland Act in force at the commencement of this Act, the provision of that Act shall prevail.

(5) In construing any of the provisions of Part III of this Act regard may be had to the context of the Imperial enactment for which the provision has been substituted or any part thereof not set out.

(6) In any Act a reference to any Imperial enactment specified in the First Schedule to this Act shall, where the case permits, and unless a contrary intention appears, be construed as a reference to the provision substituted by Part III of this Act.

5. Preserved Imperial enactments. (1) Each Imperial enactment mentioned in the Second Schedule in force in England at the time of the passing of the Imperial Act 9 George IV Chapter 83, to the extent that it continued in force in the State until the commencement of this Act shall continue in force in the State.

(2) The provisions of section 7 of this Act do not apply to the Imperial enactments mentioned in the Second Schedule to this Act.

6. Enactments not affected by repeal. Nothing in this Act affects any Imperial enactment set out in the Third Schedule to this Act or any other Imperial enactment which independently of the provisions of the Imperial Act 9 George IV Chapter 83 is made applicable to the State by express words or necessary intendment of any Imperial enactment.

7. Repeal of Imperial enactments. With the exception of the Imperial enactments mentioned or referred to in the preceding sections of this Act all enactments (commencing with the Statute of Merton, 20 Henry III A.D. 1235-6) in force in England when the Imperial Act 9 George IV Chapter 83 was passed, are, so far as they are in force in this State hereby repealed.

PART III

8. Liability for waste. (30 Charles II c.7. 4 William and Mary c.24, s.12). Where a person as personal representative or as executor in his own wrong wastes or converts to his own use any part of the estate of a deceased person and dies, his personal representative shall to the extent of the available assets of the defaulter be liable and chargeable in respect of such waste or conversion in the same manner as the defaulter would have been if living.

9. Service of Process on Sunday. (29 Charles II c.7). Service of any writ, process, warrant, order, judgment or decree (except in case of an offence, breach of the peace or any warrant, writ or process for the apprehension of any person) upon a Sunday shall be void.

10. No insurance to be made unless insurer has interest. (14 George III c.48). (1) No insurance shall be made by any person on the life of any person or on any other event whatsoever wherein the person for whose use or benefit or on whose account the policy is made has no interest, or by way of gaming or wagering; and every assurance made contrary to this subsection shall be void.

(2) It shall not be lawful to make any policy on the life of any person, or on any other event whatsoever, wherein the person effecting the policy has no interest, without inserting in such policy the names of the persons interested therein, or for whose use or benefit or on whose account such policy was made.

(3) In all cases where there is an interest in such life or other event, no greater sum shall be recovered or received from the insurer than the amount or value of the interest.

(4) Nothing in this Section shall extend to insurance made by any person on ships or goods, or to contracts of indemnity against loss by fire or loss by other events whatsoever.

11. Avoidance of wagering or gaming contracts. (1) Every contract of marine insurance by way of gaming or wagering is void.

(2) A contract of marine insurance is deemed to be a gaming or wagering contract -

- (a) where the assured has not an insurable interest, and the contract is entered into with no expectation of acquiring such an interest; or
- (b) where the policy is made "interest or no interest", or "without further proof of interest than the policy itself", or without benefit of salvage to the insurer", or subject to any other like term:

Provided that, where there is no possibility of salvage, a policy may be effected without benefit of salvage to the insurer.

12. Contracts must be embodied in policy. Subject to the provisions of any Act, a contract of marine insurance is inadmissible in evidence in an action for the recovery of a loss under the contract unless it is embodied in a marine policy in accordance with this Act. The policy may be executed and issued either at the time when the contract is concluded or afterwards.

13. What policy must specify. A marine policy must specify -

- (a) the name of the assured, or of some person who effects the insurance on his behalf;
- (b) the subject-matter insured and the risk insured against;
- (c) the voyage, or period of time, or both as the case may be, covered by the insurance;
- (d) the sum or sums insured; and
- (e) the name or names of the insurers.

F I R S T S C H E D U L E

s.4

Imperial Acts for which the provisions of Part III are
in substitution.

| | <u>Citation</u> | <u>Short Title or Subject Matter</u> | |
|--------|----------------------------|--------------------------------------|------|
| [1677] | 29 Charles II c.7 | The Sunday Observance Act, 1677 | s.9 |
| [1678] | 30 Charles II c.7 | Executors of Executors (Waste) | s.8 |
| [1692] | 4 William and Mary c.24 | Estreats Personal Representatives | s.8 |
| [1745] | 19 George II c.37 | The Marine Insurance Act, 1745 | s.11 |
| [1774] | 14 George III c.48 | The Life Assurance Act 1774 | s.11 |
| [1788] | 28 George III c.56 | The Marine Insurance Act, 1788 | s.13 |

S E C O N D S C H E D U L E

RETAINED BECAUSE OF THEIR IMPORTANCE

| <u>Citation</u> | <u>Short Title or Subject Matter</u> |
|--------------------------------|---|
| [1297] 25 Edward I | Magna Carta |
| [1351] 25 Edward III | c. 4 Criminal & Civil Justice |
| [1354] 28 Edward III | c. 3 Liberty of subject |
| [1368] 42 Edward III | c. 3 Due Process of Law |
| [1623] 21 James I | c. 3 The Statute of Monopolies Ss. 1 & 6 |
| [1627] 3 Charles I | c. 1 The Petition of Right |
| [1640] 16 Charles I | c. 10 The Habeas Corpus Act, 1640 |
| [1679] 31 Charles II | c. 2 The Habeas Corpus Act, 1679 |
| [1688] 1 William & Mary Sess.2 | c. 2 The Bill of Rights |
| [1698] 11 William III | c. 7 The Piracy Act, 1698 |
| [1700] 12 & 13 William III | c. 2 The Act of Settlement |
| [1702] 1 Anne | c. 2 The Demise of Crown Act, 1702 |
| [1702] 1 Anne St. 2 | c. 21 Treason |
| [1707] 6 Anne | c. 41 The Succession to Crown Act, 17 |
| [1750] 24 George II | c. 23 The Calendar (New Style) Act, 17 |
| [1772] 12 George III | c. 11 The Royal Marriages Act, 1772 |
| [1816] 56 George III | c.100 The Habeas Corpus Act, 1816 |

THIRD SCHEDULE

BEYOND PARLIAMENT'S CAPACITY TO REPEAL

| <u>Citation</u> | <u>Short Title or Subject Matter</u> |
|------------------------|---|
| [1698] 11 William III | c. 12 Governors of Colonies |
| [1802] 42 George III | c. 85 The Criminal Jurisdiction Act, 1801 |
| [1813] 54 George III | c. 15 The New South Wales (Debts) Act, 1813 |
| [1819] 59 George III | c. 60 The Ordinations for Colonies Act, 1819 |
| [1821] 1 & 2 George IV | c.121 The Commissariat Accounts Act, 1821 |
| [1824] 5 George IV | c.113 The Slave Trade Act, 1824 |

| Year | Number | Title | Description | Reason | | |
|------|--------|------------------------|--|--|-------------|---------|
| 1678 | 30 | Charles II | c. 7 - Executors who commit waste | Liability for waste | Historical | Replace |
| 1679 | 31 | Charles II | c. 1 - The Billeting Act, 1679: s.32 | Soldiers not to be quartered without consent | Unnecessary | Repeal |
| 1685 | 1 | James II | c. 2 - The Habeas Corpus Act, 1679: ss. 1-8, 11, 15-10 | To secure liberty of subject | Historical | Retain |
| 1688 | 1 | William & Mary | c.17 - Administration of intestates' estate: | Account by administrator | Unnecessary | Repeal |
| 1688 | 1 | William & Mary | c.18 - The Toleration Act, 1688: | Disrupting religious service | Unnecessary | Repeal |
| 1688 | 1 | William & Mary, sess.2 | c.30 - The Royal Mines Act, 1688: | Extracting gold & silver from mines | Unnecessary | Repeal |
| 1688 | 1 | William & Mary, sess.2 | c. 2 - The Bill of Rights | Liberties of Subjects | Historical | Retain |
| 1690 | 2 | William & Mary, sess.2 | c. 2 - The Admiralty Act, 1690 | Jurisdiction of Admiral | Unnecessary | Repeal |
| 1691 | 3 | William & Mary | c.14 - Fraudulent Devises | Action by Creditors | Unnecessary | Repeal |
| 1692 | 4 | William & Mary | c. 4 - Special Bails in the Country in Civil Actions | Who may take bail | Unnecessary | Repeal |
| 1693 | 5 | William & Mary | c.16 - Real Property - Mortgages: ss. 1, 2 & 3 | Declaration as to debt | Unnecessary | Repeal |
| 1693 | 5 | William & Mary | c.22 - Crown Office Procedure | Grants by Charters | Unnecessary | Repeal |
| 1693 | 5 | William & Mary | c.24 - Estreats: Personal representatives s.12 | Waste by executor | Historical | Replace |
| 1693 | 5 | William & Mary | c. 6 - The Royal Mines Act, 1693 | Rate to be paid by Crown | Unnecessary | Repeal |
| 1694 | 5 & 6 | William & Mary | c.11 - Certiorari | Limitation on grant | Unnecessary | Repeal |
| 1695 | 7 & 8 | William III | c.24 - Oaths, etc. | Practitioner to take oath | Unnecessary | Repeal |
| 1696 | 8 & 9 | William III | c. 8 - Silverware: | Standards | Unnecessary | Repeal |
| 1696 | 8 & 9 | William III | c.11 - The Administration of Justice Act, 1696 | Action on Bond for non-performance of any covenant | Unnecessary | Repeal |
| 1696 | 8 & 9 | William III | c.33 - Certiorari to remove indictments | Certiorari etc. | Unnecessary | Repeal |

| Year | Number | Title | Description | Reason | |
|------|---------------------|---|--|----------------------------|------------------|
| 1697 | 9 William III | c.15 - Arbitration c.17 - Bills of Exchange | Determination of differences Negotiation of | Unnecessary Unnecessary | Repeal Repeal |
| 1698 | 10 William III | c.41 - Seamen's Wages, Embezzlement of public stores c.22 - Real Property - Posthumous children: | Penalty for possession Children to take estates as if born in their father's lifetime | Unnecessary Unnecessary | Repeal Repeal |
| 1698 | 11 William III | c. 6 - Aliens c. 7 - The Piracy Act, 1698 c.12 - Governors of plantations | Inheritance from aliens More effective prevention of piracy Trial of Governors | Unnecessary Historical | Repeal Retain |
| 1700 | 12 & 13 William III | c. 2 - The Act of Settlement | Succession to Throne | Historical | Retain |
| 1702 | 1 Anne | c. 2 - The Demise of the Crown Act, 1702: s.4 | Actions not to be dis- continued because of death | Historical | Retain |
| 1702 | 1 Anne, St.2 | c.21 - Treason | Hindering Succession | Historical | Retain |
| 1704 | 3 & 4 Anne | c. 8 - Bills of Exchange | Action on Bill or Promissory note | Unnecessary | Repeal |
| 1706 | 6 Anne | c.12 - The Prison (Escape) Act, 1706: | Prevention of escape | Unnecessary | Repeal |
| 1707 | 6 Anne | c.41 - The Succession to the Crown Act, 1707: s.9 | Use of great seal | Historical | Retain |
| 1708 | 7 Anne | c.12 - The Diplomatic Privileges Act, 1708 c.21 - The Treason Act, 1708: | Proceedings against ambassador List of Witnesses for accused | Unnecessary Unnecessary | Repeal Repeal |
| 1710 | 9 Anne | c. 6 - Lotteries | Raising Money for War against France | Obsolete | Repeal |
| 1711 | 10 Anne | c.14 - Gaming c.25 - The Municipal Offices Act. 1710 c.18 - Taxation | Prevention of Gambling Mandamus and Quo Warranto Raising money for war against France | Unnecessary Unnecessary | Repeal Repeal |
| 1713 | 13 Anne | c.21 - Stranded ships and goods | Damaging or stealing from stranded ships | Obsolete Unnecessary | Repeal Repeal |

| | | | | | |
|------|-------------|---|--------------------------------------|-------------|--------|
| 1716 | 3 George I | c.15 - The Estreats Act, 1716: | Execution by Sheriff | Unnecessary | Repeal |
| 1717 | 4 George I | c.11 - The Piracy Act, 1717: | Provisions for trial | Unnecessary | Repeal |
| 1718 | 5 George I | c.11 - Adulteration of Coffee | Import Duty | Unnecessary | Repeal |
| 1719 | 5 George I | c.11 - The Plate Duty Act, 1719: | Duty on Silver | Unnecessary | Repeal |
| 1720 | 7 George I | c.13 - Journeymen Tailors | | | |
| 1721 | 8 George I | c. 2 - Lotteries | Alteration in Conditions of Work | Unnecessary | Repeal |
| 1722 | 9 George I | c.24 - The Piracy Act, 1721 | Raising Money Who are deemed pirates | Unnecessary | Repeal |
| | | c. 8 - Jury | Jurors, Naval Stores, Militia | Unnecessary | Repeal |
| | | c.19 - Lotteries | Prevention of foreign lotteries | Unnecessary | Repeal |
| 1724 | 11 George I | c.27 - Journeymen | Punishment for theft | Unnecessary | Repeal |
| 1725 | 12 George I | c.30 - Adulteration of Tea & Coffee | Frauds in Revenue | Unnecessary | Repeal |
| | | c.29 - The Frivolous Arrests Act, 1725: | Punishment for Perjury etc. | Unnecessary | Repeal |
| 1728 | 2 George II | c.34 - Woollen manufactures | Alteration in wages & hours | Unnecessary | Repeal |
| | | c.22 - Insolvent debtors relief | Relief from oppression | Unnecessary | Repeal |
| | | c.23 - Attorneys and Solicitors | Restrictions on Admission | Unnecessary | Repeal |
| 1730 | 4 George II | c.14 - Adulteration of Tea | Frauds in excise | Unnecessary | Repeal |
| | | c.26 - Proceedings of Courts to be in English | Court Procedure | Unnecessary | Repeal |
| 1731 | 5 George II | c.19 - The Quarter Sessions Appeal Act, 1731 | Proceedings on Certiorari | Unnecessary | Repeal |
| 1732 | 6 George II | c.35 - The Lotteries Act, 1732 | Prevention of foreign lotteries | Unnecessary | Repeal |

| Year | Number | Title | Description | Reason | |
|------|--------------|---|---|----------------|---------|
| 1733 | 7 George II | c.20 - The Mortgage Act, 1733: | Return of Deeds to Mortgagor | Unnecessary | Repeal |
| 1734 | 8 George II | c.13 - Copyright | Property vests in designer for 14 years | Unnecessary | Repeal |
| 1735 | 9 George II | c.24 - Set-off: | Set off of Mutual Debts | Unnecessary | Repeal |
| 1737 | 11 George II | c.36 - Charitable Uses | Gift of land | Unnecessary | Repeal |
| 1738 | 12 George II | c.22 - The Corn Exportation Act, 1737; | Hindering export of Corn | Unnecessary | Repeal |
| 1739 | 13 George II | c.24 - The Parliamentary Privilege Act, 1737: s.4 | Stay of execution by Parliament | Unnecessary | Repeal |
| 1740 | 14 George II | c.13 - Regulation of Attorneys; | Commission of name from Writ | Unnecessary | Repeal |
| 1741 | 15 George II | c.26 - The Plate (Offences) Act, 1738 | Quality of gold & silver | Unnecessary | Repeal |
| 1742 | 16 George II | c. 8 - Frauds by workmen | Damages for theft | Unnecessary | Repeal |
| 1743 | 17 George II | c.18 - Laws continuance, etc. (Lord Jervis' Act): | Destruction of Property | Unnecessary | Repeal |
| 1744 | 17 George II | c.20 - Common Recoveries | Prevention of Frauds | Unnecessary | Repeal |
| 1745 | 19 George II | c.13 - Bank of England | Loan for conduct of war | Unnecessary | Repeal |
| 1746 | 20 George II | c.20 - The Gold and Silver Thread Act, 1741 | Prevention of Counterfeits | Unnecessary | Repeal |
| | | c.30 - Marriage of Lunatics | Marriage not permitted | Unnecessary | Repeal |
| | | c.31 - The Prison (Escape) Act, 1742 | Punishment for aiding escape | Unnecessary | Repeal |
| | | c.40 - Embezzlement | Naval Stores | Unnecessary | Repeal |
| | | c.21 - The Profane Oaths Act, 1745 | Penalty for Profanity | Unnecessary | Repeal |
| | | c.37 - The Marine Insurance Act, 1745 | Interest required by person insuring | Still required | Replace |
| | | c.19 - Regulation of servants and apprentices | Determination of Disputes | Unnecessary | Repeal |
| | | c.37 - Return of process by Sheriffs | Sheriff to pass on process | Unnecessary | Repeal |

| Year | Number | Title | Description | Reason | |
|------|--------------|--|--|--|--------------------------------------|
| 1748 | 22 George II | c.27 - The Frauds by Workmen Act, 1748 c.46 - Continuance of laws, etc.: | Punishment for theft Striking off Attorneys | Unnecessary Unnecessary | Repeal Repeal |
| 1750 | 24 George II | c.23 - The Calendar (New Style) Act, 1750 c.40 - Sale of Spirits c.44 - The Constables Protection Act, 1750 | Acceptance of Gregorian calendar Duties on Spirits Indemnifying Constables | Historical Unnecessary Unnecessary | Retain Repeal Repeal |
| 1751 | 25 George II | c.36 - The Disorderly Houses Act, 1751 | Licensing Places of amusement | Unnecessary | Repeal |
| 1753 | 26 George II | c.27 - The Justices Act, 1753 | Defect not to vacate order | Unnecessary | Repeal |
| 1754 | 27 George II | c. 3 - The Offenders (Conveyance Act, 1754 c. 6 - Recovery of Wages c. 7 - Frauds in manufacture of clocks, etc. | Charge for conveyance Repeal of previous provision Punishment for theft | Unnecessary Unnecessary Unnecessary Unnecessary | Repeal Repeal Repeal Repeal |
| 1757 | 31 George II | c.11 - Apprentices c.22 - Rates and Duties | Refers to indentures Raising Revenue | Unnecessary Unnecessary | Repeal Repeal |
| 1758 | 32 George II | c.28 - The Debtors Imprisonment Act, 1758: | Arrest of Civil Debtors | Unnecessary | Repeal |
| 1760 | 1 George III | c.13 - The Justices' Qualification Act, 1760 c.23 - Commissions and salaries of judges | Qualification of Justices Commission to continue in spite of King's death | Unnecessary Unnecessary | Repeal Repeal |
| 1764 | 4 George III | c.10 - The Recognizances (Discharge) Act, 1764 c.25 - Fraudulent Personation c.37 - Manufacture of cambrics: | Discharge of estreated recognizances Raising sums for supply Breaking & entering shop | Unnecessary Unnecessary Unnecessary | Repeal Repeal Repeal |
| 1765 | 5 George III | c.51 - Manufacture of woollen cloth | Prevention of abuses | Unnecessary | Repeal |

| Year | Number | Title | Description | Reason | |
|------|---------------|---|--|---|---------------------------------------|
| 1766 | 6 George III | c.12 - Legislation for colonies c.25 - Regulation of apprentices | American Colonies Apprentices to make up lost time | Unnecessary Unnecessary | Repeal Repeal |
| 1766 | 7 George III | c.53 - Treason c.38 - Copyright | Oath of Allegiance Property to vest in designer | Unnecessary Unnecessary | Repeal Repeal |
| 1767 | 7 George III | c.48 - The Public Companies Act, 1767 | Vote by Stock holder | Unnecessary | Repeal |
| 1770 | 10 George III | c.50 - The Parliamentary Privileges Act, 1770: | Immunity from Arrest | Unnecessary | Repeal |
| 1772 | 12 George III | c.11 - The Royal Marriages Act, 1772: ss. 1 & 2 | Regulation of Royal Marriages | Historical | Retain |
| 1772 | 13 George III | c.63 - The East India Company Act, 1772: | Regulations for management | Unnecessary | Repeal |
| 1774 | 14 George III | c.25 - Frauds in woollen manufacture c.44 - Reeling false or short yarn c.48 - The Life Assurance Act, 1774 c.78 - Prevention of fires | Theft of implements etc. Punishment Person insuring to have interest Regulations to prevent fires | Unnecessary Unnecessary Historical Unnecessary | Repeal Repeal Replace Repeal |
| 1775 | 15 George III | c.14 - Reeling false or short yarn c.39 - Justice of the Peace c.53 - Copyright | Amends earlier Act Administering oath Copyright in books | Unnecessary Unnecessary Unnecessary | Repeal Repeal Repeal |
| 1776 | 17 George III | c.29 - Adulteration of Tea c.30 - Bills of Exchange c.55 - Manufacture of hats | Punishment for frauds in excise Restriction in negotiation Regulates manufacture | Unnecessary Unnecessary Unnecessary | Repeal Repeal Repeal |
| 1777 | 17 George III | c.56 - The Frauds by Workmen Act c.57 - Copyright | Amends earlier Act Property in Prints and engravings | Unnecessary Unnecessary | Repeal Repeal |
| 1778 | 18 George III | c.12 - Legislation for colonies | Taxes in America and West Indies | Unnecessary | Repeal |

| Year | Number | Title | Description | Reason |
|------|---------------|--|--|--|
| 1779 | 19 George III | c.49 - Payment of lace makers' wages | Wages | Unnecessary |
| 1781 | 21 George III | c.49 - Abuses on Sunday | Entertainments on Sunday | Unnecessary |
| 1782 | 22 George III | c.75 - The Colonial Leave of Absence Act, 1782 | Limitation of Appointment | Unnecessary |
| 1785 | 25 George III | c.35 - The Crown Debtors Act, 1785 | Estate of Crown Debtor may be sold | Unnecessary |
| 1786 | 26 George III | c.77 - Fires | Restrictions in buildings | Unnecessary |
| 1787 | 27 George III | c.71 - The Knackers Act, 1786 | Regulation of slaughter house | Unnecessary |
| 1788 | 28 George III | c.16 - Bills of Exchange | Made earlier Acts perpetual | Unnecessary |
| 1790 | 30 George III | c.7 - The Gold and Silver Thread Act, 1788 | Use of metals in Manufacture | Unnecessary |
| 1792 | 32 George III | c.31 - The Silver Plate Act, 1790 c.47 - Remission of Sentence | Name of Person interested to be inserted Repeal of earlier provisions Remissions by Governor | Still applies Replace Unnecessary |
| 1793 | 33 George III | c.33 - Naval Personnel c.56 - The Servants' Characters Act, 1792 c.58 - Information in nature of quo warranto: c.60 - The Libel Act, 1792 (Fox's Act) | Extension of benefits Certificates of character Entry of Plea Jury in libel action | Unnecessary Unnecessary Unnecessary |
| 1795 | 36 George III | c.13 - The Acts of Parliament (Commencement) Act, 1793 c.55 - Fines | Not in effect until passed Fine for neglect of duty | Unnecessary Unnecessary |
| 1797 | 37 George III | c.8 - Seditious meetings c.9 - The Passage of Grain Act, 1795 c.60 - Gold and Silver Ware c.127 - The Meeting of Parliament Act, 1797 | Notice of meeting required Free passage for grain Punishment for passing off Length of notice | Unnecessary Unnecessary Unnecessary Unnecessary |

| Year | Number | Acts | Reduction of standard Executor out of realm | Unnecessary | Unnecessary | Repeal |
|------|---------|-------------------|---|---|----------------------------|--------|
| 1798 | 38 | George III | c. 69 - The Gold Plate (Standard) Act, 1798 | Reduction of standard Executor out of realm | Unnecessary | Repeal |
| | | | c. 87 - The Administration of Estates Act, 1798 | | Unnecessary | Repeal |
| 1799 | 39 | George III | c. 37 - The Offences at Sea Act, 1799 | Punishment for offence | Unnecessary | Repeal |
| 1799 | 39 & 40 | George III | c. 14 - The Meeting of Parliament Act, 1799 | King's power to shorten | Unnecessary | Repeal |
| | | | c. 42 - Bills of Exchange | Not negotiable on Good Friday | Unnecessary | Repeal |
| 1800 | 39 & 40 | George III | c. 54 - The Public Accountants Act, 1800 | Interest on Balance | Unnecessary | Repeal |
| | | | c. 77 - The Collieries and Mines Act, 1800 | Regulation of Mines and Naval Stores | Unnecessary | Repeal |
| | | | c. 89 - Embezzlement | | Unnecessary | Repeal |
| 1801 | 41 | George III | c. 78 - The Constables Expenses Act, 1801 | Allowance for executing warrants | Unnecessary | Repeal |
| | | | c. 79 - The Public Notaries Act, 1801 | Rules for Admission | Unnecessary | Repeal |
| | | | c. 85 - The Fines by Justices Act, 1801 | Imposition and collection of fines | Unnecessary | Repeal |
| 1802 | 42 | George III | c. 85 - The Criminal Jurisdiction Act, 1802 | Trial of offences abroad | Historical | Retain |
| 1803 | 43 | George III | c. 46 - Vexatious arrest | | | |
| | | | c.140 - The Habeas Corpus Act, 1803 | Arrest on Mesne Process | Unnecessary | Repeal |
| 1804 | 44 | George III | c.102 - The Habeas Corpus Act, 1804 | Court Martial, Bankruptcy etc. | Unnecessary | Repeal |
| 1806 | 46 | George III | c. 54 - The Offences at Sea Act, 1806 | Examination of Witnesses | S.31 Prisons Act 1958-1974 | Repeal |
| | | | c.148 - The Lotteries Act, 1806 | Trialable in Dominions Raising Money | Applies Unnecessary | Repeal |
| 1807 | 47 | George III, sess. | c. 74 - Death of Trader | Payment of debts on death | Unnecessary | Repeal |
| 1808 | 48 | George III | c. 88 - Bills of Exchange | Less than 20s. declared void | Unnecessary | Repeal |
| | | | c.106 - The Acts of Parliament (Expiration) Act, 1808 | Not to expire before extension | Unnecessary | Repeal |

| Year | Number | Title | Description | Reason | |
|------|---------------|--|---|-----------------|--------|
| 1810 | 50 George III | c.85 - The Government Offices Security Act, 1810 | Who may give security | Unnecessary | Repeal |
| 1812 | 52 George III | c.102 - The Charitable Donations Registration Act 1812 | Trustee to register details | Unnecessary | Repeal |
| | | c.155 - The Places of Religious Worship Act | Penalty for disturbing services | Unnecessary | Repeal |
| 1813 | 53 George III | c.141 - Inrolment of grants of annuities | Inrolment in High Court | Unnecessary | Repeal |
| 1813 | 54 George III | c. 15 - The New South Wales (Debts) Act, 1813: s.4 | Charge on debtors property | Not repeal-able | Retain |
| 1814 | 54 George III | c. 56 - Copyright | Property in works of art | Unnecessary | Repeal |
| | | c. 60 - Embezzlement | vests in producer | Unnecessary | Repeal |
| | | c. 61 - Public Offices in Colonies | Extends earlier Act | Unnecessary | Repeal |
| | | c.168 - The Powers Act | Governors to report on leave granted by them | Unnecessary | Repeal |
| | | | Validation of Deeds made under power | Unnecessary | Repeal |
| 1815 | 55 George III | c.127 - Embezzlement | Repeals and extends earlier Act | Unnecessary | Repeal |
| | | c.134 - The Crown Pre-emption of Lead Ore Act, 1815 | Payment for ore pre-empted | Unnecessary | Repeal |
| | | c.184 - The Stamp Act, 1815: s.37 | Penalty for administering without probate | Unnecessary | Repeal |
| | | c.194 - The Apothecaries Act, 1815 | Regulates practice of Apothecaries | Unnecessary | Repeal |
| 1816 | 56 George III | c. 50 - The Sale of Farming Stock Act, 1816 | Taken in execution | Unnecessary | Repeal |
| | | c. 58 - The Manufacture of Beer | Repeal of earlier Acts - prohibition on colouring | Unnecessary | Repeal |
| | | c.100 - The Habeas Corpus Act, 1816 | Issue of Writ during Vacation | Historical | Retain |
| 1817 | 57 George III | c. 52 - Payment of Rents | Extends earlier Act | Unnecessary | Repeal |
| | | c. 53 - The Murders Abroad Act, 1817 | Place of trial | Unnecessary | Repeal |
| | | c. 99 - Residence on Benefices | Spiritual persons holding farms | Unnecessary | Repeal |

| Year | Number | Title | | | |
|------|-----------------------------|--|--|--|---------------|
| | | c.115 - Payment of cutters wages | | Payment to workers in steel | Unnecessary |
| | | c.117 - The Extents in Aid Act, 1817 | | Execution on Crown Debt | Unnecessary |
| | | c.122 - Payment to Labourers | | Extends earlier Act | Unnecessary |
| 1818 | 58 George III | c.30 - The Costs Act, 1818 | | Limited costs in certain actions | Unnecessary |
| 1819 | 59 George III | c.60 - The Ordinations for Colonies Act, | | Admissions of persons to Holy Orders for Colonies | Retain |
| | | c.69 - Foreign Enlistment | | Previous enlistment in foreign service | Unnecessary |
| | | c.92 - Apprentices | | Firing of apprentices | Unnecessary |
| 1819 | 60 George III & 1 George IV | c. 8 - The Criminal Libel Act, 1819: | | Prevention & Punishment of libels | Unnecessary |
| 1820 | 1 George IV | c.57 - Abolition of Whipping | | Whipping abolished | Unnecessary |
| | | c.90 - The Offences at Sea Act, 1820 | | Benefit of clergy | Obsolete |
| | | c.92 - Forgery | | Prevention of forgery and counterfeiting of bank notes | Unnecessary |
| 1821 | 1 & 2 George IV | c.41 - The Steam Engine Furnaces Act, 1821 | | Prevention of nuisances caused by furnaces | Unnecessary |
| | | c.48 - Solicitors | | Admission of Uni. graduates to practice | Unnecessary |
| | | c.78 - Bills of Exchange | | Acceptance of Bills | Unnecessary |
| | | c.121 - The Commissariat Accounts Act, 1821: ss. 27 - 29 | | Audit of Accounts | Repeal Retain |
| 1822 | 3 George IV | c.39 - The Warrants of Attorney Act, 1822 | | Prevention of Frauds | Unnecessary |
| | | c.46 - The Levy of Fines Act, 1822 | | Estreat of Recognizances | Unnecessary |
| | | c.101 - Lotteries | | Rules for conduct of Lotteries | Unnecessary |
| 1823 | 4 George IV | c.29 - Apprenticeship | | Extended earlier Acts | Unnecessary |
| | | c.34 - Masters and Servants | | Determination of Complaints | Unnecessary |
| | | c.35 - The Statutory Commissioners Act, 1823 | | Dates of Meetings | Unnecessary |
| | | c.37 - The Levy of Fines Act, 1823: | | Estreat of Recognizances | Unnecessary |
| | | c.52 - The interment of suicides | | Direction for private interment | Unnecessary |

| | | | | | |
|------|-----------------|--|---|--|--|
| 1823 | 4 George IV | c.53 - Embezzlement c.60 - The Lotteries Act, 1823 c.83 - Protection of Property c.91 - Marriage c.83 - Vagrancy c.86 - Australian Agricultural Co. c.96 - Masters and Workmen Arbitration c.107 - Fraud c.113 - The Slave Trade, 1824 | Transport of Embezzlers Suppression of foreign lotteries Goods being shipped Validity of foreign marriage | Unnecessary Unnecessary Unnecessary Unnecessary | Repeal Repeal Repeal Repeal |
| 1824 | 5 George IV | | Offences listed Cultivation of land in NSW Consolidating Act Applies to Chelsea Hospital Consolidation of laws relating to Slave Trade | Unnecessary Unnecessary Unnecessary Unnecessary | Repeal Repeal Repeal Repeal Retain |
| 1825 | 6 George IV | c.53 - Inquisitions of Lunacy c.69 - Offences by Transporters c.94 - Protection of Property | Limit on time for holding inquisition Punishment of offences Agents in possession | Unnecessary Unnecessary Unnecessary | Repeal Repeal Repeal |
| 1826 | 7 George IV | c.6 - Promissory Notes c.16 - Hospitals c.38 - Offences at Sea | Value of Notes issued Hospitals for soldiers Commissioners taking evidence | Unnecessary Unnecessary Unnecessary | Repeal Repeal Repeal |
| 1827 | 7 & 8 George IV | c.15 - Bills of Exchange c.27 - Repealing Act c.65 - The Admiralty Act, 1827 c.71 - Arrest in civil actions | Negotiation on Good Friday and Christmas Repeals Commissioners & High Admiral Where debt under £20 | Unnecessary Unnecessary Unnecessary Unnecessary | Repeal Repeal Repeal Repeal |
| 1828 | 9 George IV | c.15 - Amendment of Errors c.17 - Repealing Act c.66 - The Nautical Almanack Act, 1828 | Variations may be amended Dealing with Sacraments Publishing unauthorised version | Unnecessary Unnecessary Unnecessary | Repeal Repeal Repeal |

ANNEXURE B

ACTS RETAINED OR REPLACED IN EITHER NEW SOUTH WALES
OR VICTORIAN LISTS BUT NOT INCLUDED IN QUEENSLAND LIST
BECAUSE ALREADY REPEALED

| Year | Regnal Year | Title | Repeal Act |
|------|-------------------|---|--|
| 1266 | 51 Henry III St.4 | Distress for King's Debt | Property Law Act |
| 1267 | 52 Henry III | Statute Marlborough c.23 Waste | Property Law Act |
| 1275 | 3 Edward I | St. Westminster I c. 9 Pursuit of Felons c. 16 Distress | Criminal Code Property Law Act |
| 1285 | 13 Edward I | St. Westminster II c. 1 De Donis c. 2 Vexatious Replevins c. 37 Distress Act, 1285 | Property Law Act Property Law Act Property Law Act Property Law Act |
| 1290 | 18 Edward I | St.1 Quia Emptores | Property Law Act |
| 1324 | 17 Edward II | St.2 Prerogativa Regis c. 7 & 8 Tenure in Capite | Property Law Act |
| 1327 | 1 Edward III | St.2 Confirmation of Charters c. 12 & 13 Tenure in Capite | Property Law Act |
| 1328 | 2 Edward III | c. 3 Affrays & Riots | Criminal Code |
| 1351 | 25 Edward III | c. 2 Treason Act 1351 | Criminal Code |
| 1361 | 34 Edward III | c. 15 Confirmation of Grants | Property Law Act |
| 1381 | 5 Richard II St.1 | c. 7 Forcible Entry Act 1381 | Criminal Code |

| Year | Number | Title | Description | Reason |
|------------------|------------------|---|--|--|
| 1235 | 20 Henry III | The Statute of Merton | Dower | Unnecessary |
| 1267 | 52 Henry III | Statute of Marlborough - c. 1 - The Distress Act, 1267 c. 2 - Distress c. 3 - Resisting King's officers in replevin, etc. c. 4 - Distress c.15 - Distress c.17 - Duties of Guardians in Socage c.21 - Replevin | Distress in Queensland Restricted to Law of Distress, etc. Act 1934 (Since repealed (Formerly duties of Guardians in s.5 (Guardianship of Children Act - since repealed See Supra re Distress etc. | Unnecessary (See Property Law Act) Unnecessary Unnecessary |
| 1275 | 3 Edward I | Statute of Westminster the First - c. 6 - Amerciaments shall be reasonable c.15 - Bail c.19 - Sheriffs c.25 - Champerty by the King's Officers c.28 - Frauds by officers of the Courts (Maintenance) c.29 - Deceits by pleaders c.33 - Champerty | Pecuniary Punishment Which Prisoners may be bailed Receipt by Sheriff for debt Champerty and Maintenance Provisions are obsolete Punishment for Collusion See above Office of the Coroner | Unnecessary Superseded by Code & Justices Act Superseded by Rules of Court Unnecessary Unnecessary Unnecessary Unnecessary See Coroners Act |
| 1276 | 4 Edward I, St.2 | Statute De Officio Coronatis | | Unnecessary |
| 1278 | 6 Edward I | Statute of Gloucester - c. 1 - Recovery of damages and costs c. 5 - Waste | Recovery of Damages for Waste etc. | Unnecessary |
| [Uncertain Date] | 11 Edward I | Statute concerning Conspirators | Treated as [1305] 33 EdI Conspirators (q.v.) | Superseded by Property Law Act Repeal |

| Year | Number | Title | Description | Reason |
|------------------|--------|--|---|-----------------------------------|
| 1285 | 13 | Edward I, St.1 Statute of Westminster the Second - cc. 3-12 c. 13 - Sheriff's tourns, etc. cc. 14-18 c. 19 - Intestate's Debts cc. 20-22 c. 23 - Executor's Writ of Account cc.24-35 c. 36 - Procurement of suits cc.38-48 c. 49 - Maintenance and Champerty c. 50 - Commencement of Statutes | 50 Chapters dealing with land, court and other procedures | Obsolete or superseded Repeal |
| [Uncertain Date] | 20 | Edward I Statutum de Conspiratoribus | Conspirators See [1300] 28 Edward I c.1 to c.12 | |
| 1297 | 25 | Edward I Magna Carta - c. 29 - Criminal and civil justice | No freeman to be taken but by lawful judgment of his peers or law of the land | Historical Retain |
| 1300 | 28 | Edward I Articles upon the Charters - c. 11 - Champerty c. 12 - Distresses for the King's Debt | None to take on suit of another See [1267] 52 Henry III St. Marlborough | Obsolete Unnecessary Repeal |
| 1305 | 33 | Edward I, St.2 Ordinance de Conspiratoribus | Defines Conspirators' Champertors | Obsolete Repeal |
| [Uncertain Date] | 1 | Edward II Chattels of Felons | Forfeiture of Chattels to Crown | Obsolete Repeal |

Year Number Title Description Reason

| | | | | |
|------|---------------------|---|---|---|
| 1307 | 1 Edward II, St.2 | Breaking out of Prison | Punishment for Breaking out of Prison | Superseded by Repeal Code |
| 1315 | 9 Edward II | c. 9 - Distress | Not taken on Highway | Unnecessary Repeal |
| 1324 | 17 Edward II, St.2 | De Prerogative regis - c.13 - Wreck of the sea, etc. | King to take wrecks etc. | See Merchant Shipping Act & Commonwealth Navigation Act |
| 1327 | 1 Edward III, ST.2 | Confirmation of Charters - c.14 - Maintenance | Maintenance of quarrels forbidden | Obsolete Repeal |
| 1328 | 2 Edward III | c.16 - Justice of the Peace Statute of Northampton - | Office of Justice of Peace | See J.P. Act Repeal |
| 1330 | 4 Edward III | c. 5 - Sheriff to give receipt for writ c. 2 - Justices c. 7 - Executors' action for trespass c.11 - Maintenance | Delivery of Writ - See Rules of Court Appointment to Assizes Same action as those for whom they are executors Earlier Statutes confirmed | Superseded Repeal Unnecessary Repeal Unnecessary Repeal |
| 1331 | 5 Edward III | c. 9 - Justice and Liberty | Application of Magna Carta | Unnecessary Repeal |
| 1340 | 14 Edward III, St.1 | c. 6 - Amendment of records | Error by Clerk | Unnecessary Repeal |
| 1344 | 18 Edward III, St.2 | c. 2 - Justice of the Peace | Appointment of Justice | Unnecessary Repeal |
| 1346 | 20 Edward III | c. 1 - Ordinance for Justice c. 4 - Maintenance | Equal Justice for poor and rich Interference in another's quarrel | Unnecessary Repeal Obsolete Repeal |
| 1351 | 25 Edward III, St.5 | c. 3 - Juries (Inquest) c. 4 - Criminal and civil justice c. 5 - Executors of executors | Challenge at Inquest Necessity for lawful presentment Executors to have same action as first testator | Unnecessary Repeal Historical Retain Unnecessary Repeal |

| Year | Regnal Year | Title | Repealing Act |
|------|--------------------|---|------------------|
| 1535 | 27 Henry VIII | c. 10 Statute of Uses | Property Law Act |
| 1539 | 31 Henry VIII | c. 1 Partition Act 1539 | Property Law Act |
| 1540 | 32 Henry VIII | c. 9 Maintenance & Embracery | Criminal Code |
| 1540 | 32 Henry VIII | c. 28 Leases | Property Law Act |
| | | c. 32 Partition Act 1540 | Property Law Act |
| | | c. 34 Grants of Reversion | Property Law Act |
| | | c. 36 Fines | Property Law Act |
| | | c. 37 Cestui Que Vie | Property Law Act |
| 1547 | 1 Edward VI | c. 12 Repealing Statute | Criminal Code |
| 1551 | 5 & 6 Edward VI | c. 11 Treason | Criminal Code |
| | | c. 16 Sale of Offices | Criminal Code |
| 1554 | 1 & 2 Ph. & Mary | c. 10 Treason | Criminal Code |
| | | c. 12 Distress | Property Law Act |
| 1572 | 14 Elizabeth | c. 8 Recoveries | Property Law Act |
| 1575 | 18 Elizabeth | c. 5 Common Informers | Property Law Act |
| 1601 | 43 Elizabeth | c. 4 Charitable Uses | Criminal Code |
| 1660 | 12 Charles II | c. 24 Tenures Abolition | Trusts Act |
| 1661 | 13 Charles II | St.1. c. 5 Tumultuous Petitioning | Property Law Act |
| 1665 | 17 Charles II | c. 7 Distress and Avowries for Rent | Criminal Code |
| 1666 | 18 & 19 Charles II | c. 11 Cestui Que Vie | Property Law Act |
| 1667 | 2 William & Mary | c. 5 Distress for Rent | Property Law Act |
| 1692 | 4 William & Mary | c. 18 Malicious Information in King's Bench | Property Law Act |
| 1695 | 7 & 8 William III | c. 3 Treason Act | Criminal Code |
| 1697 | 9 William III | c. 7 Fireworks | Criminal Code |

| Year | Regnal Year | Title | Repealing Act |
|------|-----------------|-------------------------------------|--------------------------------|
| 1698 | 10 William III | c. 23 Suppression of Lotteries | Criminal Code |
| 1705 | 4 & 5 Anne | c. 3 Administration of Justice | Property Law Act |
| 1707 | 6 Anne | c. 72 Cestui Que Vie | Property Law Act |
| 1709 | 8 Anne | c. 18 Landlord and Tenant | Property Law Act |
| 1713 | 13 Anne | c. 21 Stranded Ships & Goods | Criminal Code |
| 1714 | 1 George I St.2 | c. 5 Riot Act | Criminal Code |
| 1717 | 4 George I | c. 12 Destruction of Ships | Criminal Code |
| 1730 | 4 George II | c. 28 Landlord and Tenant | Criminal Code |
| 1733 | 7 George II | c. 8 Stock Jobbing | Property Law Act |
| 1725 | 9 George II | c. 5 Witchcraft Act | Imperial Acts Termination 1968 |
| 1737 | 11 George II | c. 19 Distress for Rent | Criminal Code |
| 1738 | 12 George II | c. 28 Gaming | Property Law Act |
| 1739 | 13 George II | c. 19 Gaming | Criminal Code |
| 1741 | 15 George II | c. 27 Thefts of Cloth | Criminal Code |
| 1744 | 18 George II | c. 30 Piracy Act | Criminal Code |
| 1744 | 18 George II | c. 34 Gaming | Criminal Code |
| 1751 | 25 George II | c. 37 Murder Act | Criminal Code |
| 1753 | 26 George II | c. 19 Stealing Shipwrecked goods | Criminal Code |
| 1766 | 7 George III | c. 9 Justices Act | Justices Act |
| 1767 | 7 George III | c. 50 Post Office | Criminal Code |
| 1769 | 7 George III | c. 30 Seamen's Wages | Criminal Code |
| 1772 | 12 George III | c. 24 Dockyards, etc. Protection | Criminal Code |
| 1788 | 28 George III | c. 55 Protection of Stocking Frames | Criminal Code |
| 1790 | 30 George III | c. 48 Treason Act | Criminal Code |
| 1793 | 33 George III | c. 67 Shipping Offences | Criminal Code |
| 1795 | 36 George III | c. 7 Treason Act | Criminal Code |

| Year | Regnal Year | Title | Repeal Act |
|------|--------------------------|---|------------------------------|
| 1797 | 37 George III | c. 70 Incitement to Mutiny | Criminal Code |
| | | c.123 Unlawful Oaths | Criminal Code |
| 1799 | 39 George III | c. 79 Unlawful Societies | Criminal Code |
| 1800 | 39 & 40 George III | c. 93 Treason Act | Criminal Code |
| 1802 | 42 George III | c.119 Gaming Act | Criminal Code |
| 1806 | 46 George III | c. 37 Witnesses Act | Evidence & Discovery Act |
| 1808 | 48 George III | c. 58 Bail Bonds Act | Criminal Code |
| 1809 | 49 George III | c.126 Sale of Offices | Criminal Code |
| 1810 | 50 George III | c. 59 Embezzlement by Collectors | Criminal Code |
| 1812 | 52 George III | c.101 The Charities Procedure Act, 1812 | Trusts Act |
| | | c.104 Unlawful Oaths | Criminal Code |
| | | c.143 Land Tax Certificates Forgery | Criminal Code |
| | | c.155 Religious Worship | Criminal Code |
| | | c.156 Prisoners of War (Escape) | Criminal Code |
| 1814 | 54 George III | c.145 Corruption of Blood Act | Property Law Act |
| | | c.146 Treason Act | Criminal Code |
| 1816 | 56 George III | c. 16 Receivers of Crown Rents | Property Law Act |
| 1817 | 57 George III | c. 6 Treason Act | Criminal Code |
| | | c. 19 Seditious Meetings | Criminal Code |
| | | c. 93 Distress (Costs) Act | Property Law Act |
| 1819 | 60 George III & 1 Geo.IV | c. 1 Unlawful Drilling | Criminal Code |
| | | c. 4 Pleading in Misdemeanour | Criminal Code |
| 1820 | 1 George IV | c. 87 Recovery of Possession | Property Law Act |
| 1821 | 1 & 2 George IV | c. 88 Rescue Act | Criminal Code |
| 1822 | 3 George IV | c.114 Hard Labour | Criminal Code |
| 1825 | 6 George IV | c.129 Combinations of Workmen | Criminal Code |
| 1827 | 7 & 8 George IV | c. 17 Distress (Costs) Act | Criminal Code |
| 1828 | 9 George IV | c. 31 Offences Against the Person | Property Law Act |
| | | c. 32 Civil Rights of Convicts | Criminal Statute Repeal 1865 |
| | | c. 69 Night Poaching | Criminal Code |

ANNEXURE C

Enactments retained or replaced in New South Wales but omitted from this draft bill for reasons stated below

| | | | | |
|--------|--------------------|------|---|--|
| 1327 | 1 Edward III St.2 | c.16 | Men assigned to be Justices and keepers of the peace | Justices of the Peace Act 1975 applies |
| 1344 | 18 Edward III St.2 | c.2 | Men appointed to hear and determine breaches of the peace and impose imprisonment | Above Act applies to appointments and Justices Act 1886-1979 applies to Jurisdiction |
| 1351-2 | 25 Edward III St.5 | c.5 | Executors of Executor Represent the original testator | Succession Act will replace |
| 1357 | 31 Edward III St.1 | c.11 | Administration of goods of Intestate | Public Trustee Act 1978 (s.29) applies |
| 1361 | 34 Edward III | c.1 | Appointment of Justices and their jurisdiction to deal with certain offences | Justices of the Peace Act 1975 applies to appointment. Justices Act 1886-1979 gives jurisdiction |
| 1405 | 7 Henry VI | c.1 | Confirmation of Liberties of the Church | Obsolete |
| 1429 | 8 Henry VI | c.9 | The Forcible Entry Act, 1429 Justice shall cause lands held by person who entered them forcibly to be returned to dispossessed | Criminal Code s.70 & 71 relate to forcible entry & forcible detainer |
| 1536 | 28 Henry VIII | c.15 | The Offences at Sea Act 1536 Admiral empowered to enquire into offences committed in his jurisdiction | Obsolete |
| 1588 | 31 Elizabeth | c.11 | The Forcible Entry Act 1588 Person who enjoyed peaceable possession not to be dispossessed after three years | Criminal Code applies |
| 1685 | 1 James II | c.17 | Rendering account by Administrator of Intestate | Unnecessary |
| 1688 | 1 William & Mary | c.18 | The Toleration Act 1688, s.15 | Criminal Code applies |
| 1688 | 1 William & Mary | c.30 | The Royal Mines Act, 1688 | Unnecessary |
| 1696 | 8 & 9 William III | c.11 | The Administration Justice Act 1696 | Rules of Court apply |
| 1716 | 4 George I | c.11 | The Piracy Act 1717 Place of Trial for Piracy | Criminal Code applies |
| 1721 | 8 George I | c.24 | The Piracy Act 1721 Punishment for Piracy | Criminal Code applies |
| 1758 | 32 George II | c.28 | The Debtors Imprisonment Act 1758 | Obsolete |

| Year | Number | Title | Description | Reason | |
|------|--------------------|---|----------------------------------|-------------|--------|
| 1354 | 28 Edward III | c. 3 - Liberty of the subject | Necessity for due process of law | Historical | Retain |
| 1357 | 31 Edward III, St | c.11 - Administration on Intestacy | Action on behalf of intestate | Unnecessary | Repeal |
| 1361 | 34 Edward III | c. 1 - Justices of the Peace | Character of appointee | Superseded | Repeal |
| 1368 | 42 Edward III | c. 3 - Observance of due process of law | Necessity for due process | Historical | Retain |
| 1377 | 1 Richard II | c. 4 - Penalties for maintenance | Maintenance of Quarrels | Obsolete | Repeal |
| 1383 | 7 Richard II | c.15 - Maintenance and embracery | Refers to earlier Statutes | Unnecessary | Repeal |
| 1387 | 11 Richard II | c.10 - Delays in law | Use of King's signet | Unnecessary | Repeal |
| 1389 | 13 Richard II, St. | c. 5 - Admiralty | Jurisdiction of Admiral | Unnecessary | Repeal |
| 1391 | 15 Richard II | c. 2 - Forcible Entry | Duties of Justice in such case | Unnecessary | Repeal |
| | | c. 3 - The Admiralty Jurisdiction Act, 1391 | Jurisdiction of Admiral | Unnecessary | Repeal |
| 1392 | 16 Richard II | c. 5 - The Statute of Praemunire | Authority of Church of Rome | Obsolete | Repeal |
| 1393 | 17 Richard II | c. 6 - Untrue suggestions in Chancery | Damages for Untrue suggestions | Unnecessary | Repeal |
| 1402 | 4 Henry IV | c. 8 - Affrays and Riots | Suppression of Riots | Unnecessary | Repeal |
| 1405 | 7 Henry IV | cc.18 & 19 - Attorneys | Qualification | Unnecessary | Repeal |
| 1411 | 13 Henry IV | c. 1 - Confirmation of Liberties | Liberties of the Church | Unnecessary | Repeal |
| 1414 | 2 Henry V, St.1 | c. 7 - The Riot Act, 1411 | (Arrest of Rioters - See | Unnecessary | Repeal |
| 1421 | 9 Henry V, St.1 | c. 8 - The Riot Act, 1414 | (Criminal Code | Unnecessary | Repeal |
| | | c. 4 - Amendment of record | Refers to earlier statute | Unnecessary | Repeal |
| 1423 | 2 Henry VI | c.17 - Quality and marks of silver work | Maintaining Quality | Unnecessary | Repeal |
| 1425 | 4 Henry VI | c. 3 - Amendment | Refers to earlier statute | Unnecessary | Repeal |

| Year | Number | Title | Description | Reason |
|------|---------------|--|--|---|
| 1429 | 8 Henry VI | c. 9 - The Forcible Entry Act, 1429 c.12 - Amendment c.15 - Amendment | Duties of Justices Error by Clerk Error by Clerk | Unnecessary Unnecessary Unnecessary |
| 1433 | 11 Henry VI | c. 6 - Justice of the Peace | Continuance of Plea | Unnecessary |
| 1444 | 23 Henry VI | c. 9 - Sheriff and bailiff fees, etc. | Fees paid to Sheriffs | Unnecessary |
| 1487 | 3 Henry VII | c. 3 - Bail by Justices | Authority to set bail | Unnecessary |
| 1488 | 4 Henry VII | c.20 - The Collusive Actions Act, 1488 | Punishment for Covin | Unnecessary |
| 1495 | 11 Henry VII | c. 1 - Treason c.12 - Poor Persons' Suits | Service to de facto King Issue of Writ without fee | Unnecessary Unnecessary |
| 1512 | 4 Henry VIII | c. 8 - The Privilege of Parliament Act, 1512; | Prosecutions contrary to privilege | Unnecessary |
| 1515 | 7 Henry VIII | c. 4-Avowries for Rents and Services | Distress | Unnecessary |
| 1529 | 21 Henry VIII | c. 4 - Executors c. 5 - Probate Fees, Inventories, etc.: | Sale of land by Executor Fee for Grant | Unnecessary Unnecessary |
| 1531 | 23 Henry VIII | c.15 - Recoveries c.19 - Avowries | Enjoyment of lease Distress for rent | Unnecessary Unnecessary |
| 1532 | 24 Henry VIII | c.15 - Costs | Costs for Non-suit | Unnecessary |
| 1533 | 25 Henry VIII | c. 8 - Costs c.22 - Succession to the Crown: Marriage | Non recovery by Defendant Prohibited degrees of consanguinity | Unnecessary Unnecessary |
| 1535 | 27 Henry VIII | c.16 - Real Property - Enrolments c.24 - The Jurisdiction in Liberties Act, 1535; | Letter of Repeal of Statute of uses King's pardon for treason. | Unnecessary Unnecessary |
| 1536 | 28 Henry VIII | c. 7 - Succession to the Crown: Marriage: c.15 - The Offences at Sea Act, 1536 c.16 - The Ecclesiastical Licenses Act, 1536 | 1 Mary Sess 2 c1(1553) seems to have repealed it Punishment for Effect of Papal Bulls | Unnecessary Unnecessary Unnecessary |

| Year | Number | Title | Description | Reason | |
|------|--------------------|---|--|--------------|--------|
| 1540 | 32 Henry VIII | c. 1 - The Statute of Wills (Wills, Wards, Primer Seisin) | Refers to Wills made prior to 1840 | Obsolete | Repeal |
| | | c. 2 - Limitation of Prescription | Claims for Possession | Unnecessary | Repeal |
| | | c. 5 - Execution | Issue of Writ for Residue of debt | Unnecessary | Repeal |
| 1540 | 32 Henry VIII | c.16 - Aliens | Obedience to law | Unnecessary | Repeal |
| | | c.30 - Jeofails | Mistakes | Unnecessary | Repeal |
| | | c.38 - The Marriage Act, 1540 | Marriages in Church lawful | Unnecessary | Repeal |
| 1541 | 33 Henry VIII | c. 9 - Unlawful Games | Gaming Houses | Unnecessary | Repeal |
| | | c.39 - The Crown Debts Act, 1541: | Action for debt due to Crown | Unnecessary | Repeal |
| 1542 | 34 & 35 Henry VIII | c. 2 - Collectors - Receivers | | | |
| | | c. 5 - Concerning the explanation of Wills | Money to King's use | Unnecessary | Repeal |
| 1543 | 35 Henry VIII | c. 2 - Treason | Explains earlier Statute | Unnecessary | Repeal |
| 1547 | 1 Edward VI | c. 1 - Sacraments | Place of Trial | Unnecessary | Repeal |
| | | c. 7 - The Justices of the Peace Act, 1547: | Offence to speak irreverently | Unnecessary | Repeal |
| 1548 | 2 & 3 Edward VI | c. 1 - Uniformity | Preferment of holder of Kings commission | Unnecessary | Repeal |
| | | c.13 - Tithes | Administration of Sacraments | Unnecessary | Repeal |
| | | c.23 - Marriages (pre-contract): | Payment of tithes | Unnecessary | Repeal |
| 1551 | 5 & 6 Edward VI | c. 4 - The Brawling Act, 1551 | Repeals earlier Act | Unnecessary | Repeal |
| 1553 | 1 Mary, Sess. 1 | c. 1 - The Treason Act, 1553: | Fighting in Church Yards | Unnecessary | Repeal |
| | | c. 3 - The Brawling Act, 1553 | Repeals earlier act | Unnecessary | Repeal |
| | | c. 8 - Sheriff | Disturbing Church Services | Unnecessary | Repeal |
| 1558 | 1 Elizabeth | c. 1 - The Act of Supremacy: | Not to be Justice of Peace | Unnecessary | Repeal |
| | | c. 2 - The Act of Uniformity, 1558 | Revives earlier act | Unnecessary | Repeal |
| 1562 | 5 Elizabeth. | c. 4 - Apprentices | Common Prayer | Unnecessary | Repeal |
| | | c. 9 - Perjury | Wages to be fixed by Justices | Unnecessary | Repeal |
| 1565 | 8 Elizabeth | c.13 - Sea Marks | Punishment | Unnecessary | Repeal |
| | | | Part Repealed | Inapplicable | Repeal |

| Year | Number | Title | Description | Reason |
|------|--------------|---|--|--|
| 1571 | 13 Elizabeth | c. 4 - Debtors to the Crown | Collectors of Revenue | Unnecessary |
| 1575 | 18 Elizabeth | c.14 - Jeofails | Default in form of Verdict | Unnecessary |
| 1584 | 27 Elizabeth | c. 3 - Debtors to the Crown c. 5 - Amendments of pleadings c.12 - Sheriffs | Explains earlier Act Errors in pleadings Oath of Office | Unnecessary Unnecessary Unnecessary |
| 1586 | 29 Elizabeth | c. 4 - Sheriff's poundage, etc. c. 5 - Continuance and perfecting of divers statutes | Preventing Extortion Continued earlier Statutes | Unnecessary Unnecessary |
| 1588 | 31 Elizabeth | c. 5 - The Common Informers Act | Information by aggrieved party | Unnecessary |
| 1601 | 43 Elizabeth | c.10 - S.20 - Attorneys c.11 - The Forcible Entry Act, 1588 c. 6 - Frivolous suits c. 8 - Fraudulent administration of intestates' goods | Application of earlier Act Explains earlier Act Avoidance of small suits Fraudulent release | Unnecessary Unnecessary Unnecessary Unnecessary |
| 1603 | 1 James I | c.13 - The Privilege of Parliament Act, 1603 | Release from execution | Unnecessary |
| 1605 | 3 James I | c. 7 - Attorneys | Fees on Admission | Unnecessary |
| 1606 | 4 James I | c.10 - Conveyance to Gaol c. 3 - Costs | Offender to bear cost Award to Defendant | Unnecessary Unnecessary |
| 1609 | 7 James I | c. 5 - Protection of Justices of the Peace, Constables & others c.15 - The Crown Debts Act, 1609 | Protection against action Assignment of Debts to Crown | Unnecessary Unnecessary |
| 1623 | 21 James I | c. 3 - The Statute of Monopolies: c. 4 - The Common Informers Act, 1623 c. 7 - Drunkenness c. 8 - Process of the Peace in Superior Courts c.12 - Protection of Justices of the Peace, Constables & others | Foundation for Patents Place of Trial Punishment Keeping the peace Enlarges earlier Act | Retain Unnecessary Unnecessary Unnecessary Unnecessary |
| | | | | Historical Repeal Repeal Repeal Repeal |

| Year | Number | Title | Description | Reason | | |
|------|---------|----------------------|---|--|---|--|
| 1625 | 1 | Charles I | c.14 - Intrusions | Possession for 20 years may be pleaded | Unnecessary | Repeal |
| 1627 | 3 | Charles I | c.15 - Forcible Entry c.16 - The Limitation Act, 1623 c.23 - Certiorari c.24 - Execution c.25 - The Crown Lands Act, 1632 | Restitution of Possession Commencement of action Transfers to superior court Debtors dying in executor Relief of lessees | Unnecessary Unnecessary Unnecessary Unnecessary Unnecessary | Repeal Repeal Repeal Repeal Repeal |
| 1640 | 16 | Charles I | c. 1 - The Sunday Observance Act, 1625 | Sports meetings on Sundays | Unnecessary | Repeal |
| 1661 | 13 | Charles II, St.1c. 1 | c. 1 - The Petition of Right c. 2 - The Sunday Observance Act, 1627 | Rights & liberties of subject Travelling on Sunday | Historical Unnecessary | Retain Repeal |
| 1661 | 13 | Charles II, St.1c. 1 | c.10 - The Habeas Corpus Act, 1640, s.6 c.14 - The Ship Money Act, 1640 | Entitlement to Writ Charge to equip ships | Historical Unnecessary | Retain Repeal |
| 1661 | 13 | Charles II, St.2c. 2 | 1 - The Sedition Act, 1661 6 - Military Forces | Preservation of Crown and Parliament from sedition. Crown's sole right over Military Forces. Arrests in Civil Actions | Unnecessary Unnecessary | Repeal Repeal |
| 1662 | 14 | Charles II | c.21 - Sheriffs | Restrict Charges | Unnecessary | Repeal |
| 1664 | 16 | Charles II | c. 7 - Gaming | Penalty for Deceit | Unnecessary | Repeal |
| 1664 | 16 & 17 | Charles II | c. 5 - Execution | Extends Statutes | Unnecessary | Repeal |
| 1665 | 17 | Charles II | c. 8 - Abatement | Delays caused by death | Unnecessary | Repeal |
| 1667 | 19 & 20 | Charles II | c. 3 - Prize ships | Making fit for trade | Unnecessary | Repeal |
| 1670 | 22 & 23 | Charles II | c. 9 - Costs c.10 - The Statute of Distribution c.11 - The Piracy Act, 1670 c.22 - Recovery of fines and forfeitures | Amount of Award Intestate Estates Delivery of Merchant Ships Fines etc. | Unnecessary Unnecessary Unnecessary Unnecessary | Repeal Repeal Repeal Repeal |
| 1677 | 29 | Charles II | c. 5 - Affidavits c. 7 - The Sunday Observance Act, 1677: s.6 | Who can take Service or execution of writ | Unnecessary Historical | Repeal Replace |

| | | | | |
|------|--------------------------------|-------|---|---|
| 1804 | 44 George III | c.102 | The Habeas Corpus Act 1804 - examining witnesses | S.31 Prisons Act 1958-1974 applies |
| 1812 | 52 George III | c.101 | Charities - application for order to administer | Not required |
| 1812 | 52 George III | c.155 | Places of religious worship | Criminal Code applies |
| 1819 | 60 George III & 1 George IV | c.8 | The Criminal Libel Act 1819 - seizure of libellous material | Not applicable See <u>R. v. Pugh</u> (1862) 1 Q.S.C.R.63 |

IMPERIAL ACTS APPLICATION ACT, 1969, No. 30

Reprinted under the Acts Reprinting Act, 1972

[Reprinted as at 27th February, 1978]

New South Wales

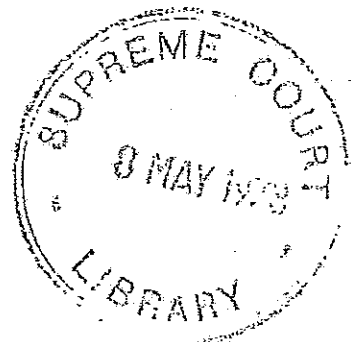
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ANNO OCTAVO



ELIZABETHÆ II REGINÆ

Act No. 30, 1969 (1), as amended by Act No. 52, 1970 (as amended by Act No. 41, 1972) (2); Act No. 60, 1970 (3); and Act No. 65, 1975 (4).

An Act to provide that certain enactments of the Parliament of England and of the Parliament of Great Britain and of the Parliament of the United Kingdom of Great Britain and Ireland in force in England at the time of the passing of the Imperial Act 9 George IV Chapter 83 shall continue in force in New South Wales; to replace other enactments of such Parliaments; to repeal other enactments of such Parliaments; to validate certain matters; and for purposes connected therewith.

Note.—See also Miscellaneous Acts (Administrative Changes) Amendment Act, 1975, s. 15 (5) (6).

45069J—A

(1) Imperial Acts Application Act, 1969, No. 30. Assented to, 9th April, 1969. Date of commencement, 1st January, 1971, sec. 1 (2) and Gazette No. 106 of 21st August, 1970, p. 3331.

(2) Supreme Court Act, 1970, No. 52. Assented to, 14th October, 1970. Date of commencement, except Part IX, 1st July, 1972, sec. 2 (1) and Gazette No. 59 of 2nd June, 1972, p. 2018. Supreme Court (Amendment) Act, 1972, No. 41. Assented to, 11th April, 1972.

(3) Minors (Property and Contracts) Act, 1970, No. 60. Assented to, 13th November, 1970. Date of commencement, 1st July, 1971, sec. 1 (2) and Gazette No. 60 of 4th June, 1971, p. 1863.

(4) Miscellaneous Acts (Administrative Changes) Amendment Act, 1975, No. 65. Assented to, 23rd October, 1975. Date of commencement of sec. 13, 3rd March, 1976, sec. 2 (3) and Gazette No. 26 of 27th February, 1976, p. 838.

Imperial Acts Application.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

PRELIMINARY.

Short title
and com-
mencement.

1. (1) This Act may be cited as the "Imperial Acts Application Act, 1969".

(2) This Act shall, except where otherwise expressly provided, commence upon a day to be appointed by the Governor and notified by proclamation in the Gazette.

Construc-
tion.

2. This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act and so as not to exceed the legislative power of the State, to the intent that where any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of the provision to other persons or circumstances shall not be affected.

Division
into
Parts and
Divisions.

3. This Act is divided into Parts and Divisions as follows :—

PART I.—PRELIMINARY—ss. 1–3.

PART II.—GENERAL—ss. 4–11.

PART III.—SUBSTITUTED ENACTMENTS—ss. 12–42.

DIVISION 1.—*Administration of Estates.*

DIVISION 2.—*Calendar.*

DIVISION 3.—*Charities.*

DIVISION 4.—*Forcible Entries and Detainers.*

Imperial Acts Application.

DIVISION 5.—*Guardians.*

DIVISION 6.—*Insurance—Life, Fire and other Policies.*

DIVISION 7.—*Insurance—Marine.*

DIVISION 8.—*Justices of the Peace.*

DIVISION 9.—*Landlord and Tenant.*

DIVISION 10.—*Legal Procedure—Actions on Bonds.*

DIVISION 11.—*Libels—Blasphemous and Seditious Libels.*

DIVISION 12.—*Real Property.*

DIVISION 13.—*Recovery of Property on Determination of a Life or Lives.*

DIVISION 14.—*Religious Worship—Disturbance of.*

DIVISION 15.—*Bailiff.*

*Amended,
Act No. 52,
1970, Second
Sch.*

DIVISION 16.—*Sunday.*

DIVISION 17.—*Witnesses—Habeas Corpus for Prisoners.*

PART IV.—PENALTIES—s. 43.

SCHEDULES.

PART II.

GENERAL.

4. In the construction of this Act, unless inconsistent with the context or subject-matter, the expression "Imperial enactment" includes any part of the enacted law at any time in force in England. Interpretation.

5. (1) Each Imperial enactment mentioned in the First Schedule to this Act, so far as it was in force in England on the twenty-fifth day of July, one thousand eight hundred and twenty-eight is declared— Substitution of enactments. (First Schedule.)

- (a) to have been in force in New South Wales on that day by virtue of the Imperial Act 9 George IV Chapter 83 (The Australian Courts Act, 1828); and

Imperial Acts Application.

(b) to have remained in force in New South Wales from that day until the commencement of this Act, except so far as affected by State Acts from time to time in force.

(2) Each Imperial enactment mentioned in the First Schedule to this Act is hereby repealed so far as it applies in New South Wales.

(3) Each provision of Part III of this Act is substituted for the Imperial enactment mentioned in the first column of the First Schedule to this Act opposite the reference to that provision in the second column of that Schedule.

(4) To the extent to which any of the provisions of Part III of this Act are inconsistent with the provisions of any State Act in force at the commencement of this Act, the provisions of the State Act shall prevail.

(5) In construing any of the provisions of Part III of this Act regard may be had to the context (if any) of the Imperial enactment for which the provision is substituted.

(6) In any State Act a reference to any Imperial enactment specified in the first column of the First Schedule to this Act shall, where the case permits, and unless a contrary intention appears, be construed as a reference to the provision of this Act specified opposite that Imperial enactment in the second column of that Schedule.

Preserved
Imperial
enactments.
(Second
Schedule.)

6. Each Imperial enactment mentioned in Part I of the Second Schedule to this Act, and so much of each Imperial enactment mentioned in the first column of Part II of that Schedule as is specified opposite that Imperial enactment in the second column of the said Part II, so far in either case as it was in force in England on the twenty-fifth day of July, one thousand eight hundred and twenty-eight—

(a) is declared to have been in force in New South Wales on that day by virtue of the Imperial Act 9 George IV Chapter 83; and

Imperial Acts Application.

- (b) except so far as affected by any Imperial enactments or State Acts from time to time in force in New South Wales—
- (i) is declared to have remained in force in New South Wales from that day;
 - (ii) shall from the commencement of this Act be in force in New South Wales; and
- (c) is not repealed by section eight of this Act.

7. Nothing in this Act affects any Imperial enactment set out in the Third Schedule to this Act or any other Imperial enactment which independently of the provisions of the Imperial Act 9 George IV Chapter 83 is made applicable to New South Wales by the express words or necessary intendment of any Imperial enactment.

Enactments not affected by repeal. 28 and 29 Vic. c. 63. Vict. Act No. 3270, s. 5.

8. (1) In addition to the repeals effected by subsection two of section five of this Act all other Imperial enactments (commencing with the Statute of Merton, 20 Henry III A.D. 1235-6) in force in England at the time of the passing of the Imperial Act 9 George IV Chapter 83 are so far as they are in force in New South Wales hereby repealed.

Imperial enactments repealed. Vict. Act No. 3270, s. 7.

(2) The repeal of the Imperial Act 7 George II Chapter 8 (Sir John Barnard's Act) effected by subsection one of this section shall be deemed to have taken effect as on and from the fourteenth day of June, one thousand eight hundred and sixty :

Provided that nothing in this subsection shall affect any transaction in respect of which proceedings in any Court have been taken or commenced on or before the twenty-fifth day of July, one thousand nine hundred and sixty-eight.

Imperial Acts Application.

Savings,
cf. 52 & 53,
Vic. c. 63,
s. 38.

9. (1) The repeal by this Act of any Imperial enactment does not—

- (a) revive anything not in force or existing at the commencement of this Act;
- (b) affect the previous operation of any Imperial enactment so repealed or anything duly done or suffered under any Imperial enactment so repealed;
- (c) affect any right, privilege, obligation, or liability acquired, accrued, or incurred under any Imperial enactment so repealed;
- (d) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any Imperial enactment so repealed; or
- (e) affect any investigation, legal proceeding, or remedy in respect of any such right, 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 and enforced, as if this Act had not been passed.

(2) The repeal by this Act of—

- (a) The Imperial Act 43 Elizabeth Chapter 4 (The Charitable Uses Act, 1601) does not affect the established rules of law relating to charity;
- (b) section four of the Imperial Act 29 Charles II Chapter 3 (The Statute of Frauds, 1677) does not apply in relation to a promise or agreement made before the commencement of this Act; and
- (c) any other Imperial enactment does not affect any rules of law or equity not enacted by the repealed enactment.

Imperial Acts Application.

10. Where any Imperial enactment not repealed by this Act ^{Saving.} has been repealed (whether expressly or impliedly), confirmed, revived, or perpetuated by any Imperial enactment hereby repealed, the first-mentioned repeal, or the confirmation, revivor, or perpetuation shall not be affected by the repeal effected by this Act.

11. (1) The Governor may, by proclamation published in ^{Revival of repealed enactments.} the Gazette, declare that any provision (in this section called "the revived provision") being the whole or any part of any Imperial enactment repealed by this Act, other than an Imperial enactment mentioned in the First Schedule to this Act, shall be revived as from the date of publication of the proclamation, or a later date to be specified in the proclamation.

(2) On and after the date of revival, the revived provision shall, subject to Acts from time to time in force, and subject to subsection three of this section, have such effect in New South Wales as the revived provision had in New South Wales immediately before the commencement of this Act.

(3) The revival under this section of any revived provision shall not—

- (a) affect the previous operation of any repeal worked by section eight of this Act;
- (b) affect anything duly done or suffered before the date of revival;
- (c) affect any right, privilege, obligation, or liability acquired, accrued, or incurred before the date of revival, or any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation or liability; or
- (d) make any person liable for any penalty, forfeiture or punishment in respect of anything done or omitted before the date of revival.

Imperial Acts Application.

(4) Every such proclamation shall be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

(5) If either House passes a resolution of which notice has been given at any time within fifteen sitting days after the proclamation has been laid before such House disallowing any proclamation or part thereof, the proclamation or part thereupon ceases to have effect.

PART III.

SUBSTITUTED ENACTMENTS.

DIVISION 1.—*Administration of Estates.*

12. In this Division unless inconsistent with the context or subject-matter—

Interpre-
tation.
Vict. Act
No. 6191,
s. 5.

“Administration” means letters of administration whether general, special, or limited, or with the will annexed or otherwise, and includes an order to the Public Trustee to administer.

“Estate” includes both real and personal property.

“Personal representative” means the executor original or by representation or administrator for the time being of a deceased person.

“Will” includes codicil.

Imperial Acts Application.

25 Edward III St. 5 c. 5.

13. (1) An executor of a sole or last surviving executor of a testator is the executor of that testator.

Executor of executor represents original testator. cf. 15 Geo. V c. 23, s. 7. Vict. Act No. 6191, s. 17.

This provision shall not apply to an executor who does not prove the will of his testator and, in the case of an executor who on his death leaves surviving him some other executor of his testator who afterwards proves the will of that testator, it shall cease to apply on such probate being granted.

(2) So long as the chain of such representation is unbroken, the last executor in the chain is the executor of every preceding testator.

(3) The chain of such representation is broken by—

- (a) an intestacy;
- (b) the failure of a testator to appoint an executor; or
- (c) the failure to obtain probate of a will,

but is not broken by a temporary grant of administration if probate is subsequently granted.

(4) Every person in the chain of representation to a testator—

- (a) has the same rights in respect of the estate of that testator as the original executor would have had if living; and
- (b) is, to the extent to which the estate of that testator has come to his hands answerable as if he were an original executor.

Imperial Acts Application.

31 Edward III St. 1 c. 11.

1 James II c. 17, s. 6.

Rights and
account-
ability of
administrator.
cf. Vict. Act
No. 6191,
s. 27.

14. Every person to whom administration of the estate of a deceased person is granted shall, subject to the limitations (if any) contained in the grant, have the same rights and liabilities and shall be accountable in like manner as if he were the executor of the deceased.

30 Charles II c. 7.

4 William and Mary c. 24, s. 12.

Liability
for waste.
cf. 15 Geo.
V c 23,
s. 29.
Vict. Act
No. 6191,
s. 33 (2).

15. Where a person as personal representative or as executor in his own wrong wastes or converts to his own use any part of the estate of a deceased person and dies, his personal representative shall to the extent of the available assets of the defaulter be liable and chargeable in respect of such waste or conversion in the same manner as the defaulter would have been if living.

DIVISION 2.—*Calendar.*

24 George II c. 23—The Calendar (New Style) Act, 1750—
ss. 1, 2 and 3.

Commence-
ment of
year.

16. (1) The first day of January in every year shall be the first day of the year, and each new year shall accordingly commence and be reckoned from the first day of every month of January and all acts, deeds, writings, notes, and other instruments, of what nature or kind soever, hereafter made, executed, or signed shall bear date according to the said method of reckoning, being the reckoning instituted by the Imperial Act 24 George II c. 23, known as The Calendar (New Style) Act, 1750.

Imperial Acts Application.

(2) The several years two thousand one hundred, two thousand two hundred, two thousand three hundred, or any other hundredth year in time to come, except only every fourth hundredth year, of which the year two thousand shall be the first, shall not be leap years, but shall be common years consisting of three hundred and sixty-five days, and no more; and the years two thousand, two thousand four hundred, two thousand eight hundred, and every other fourth hundredth year from the said year two thousand inclusive, and also all other years which by the reckoning in use before the first day of January, one thousand seven hundred and fifty-two (being the date for the commencement of the calendar or reckoning instituted by the said Imperial Act, The Calendar (New Style) Act, 1750) would have been leap years, shall in all times to come be leap years, consisting of three hundred and sixty-six days, in the same manner as was before the said first day of January, one thousand seven hundred and fifty-two used with respect to every fourth year.

Hundredth
Years
except
every fourth
hundredth
to be deemed
common
years con-
sisting of
365 days.

(3) The months, the enumeration of days in the respective months, and the ordering of the days of the week and Easter Day, shall be determined in accordance with the calendar, table and rules annexed to the said Imperial Act, The Calendar (New Style) Act, 1750.

Ordering of
months,
days of the
week and
Easter Day.

DIVISION 3.—*Charities.*

52 George III c. 101—The Charities Procedure Act, 1812.

17. (1) In every case of a breach of any trust or supposed breach of any trust created for charitable purposes, or whenever the direction or order of a court is deemed necessary for the administration of any trust for charitable purposes, any two or more persons may present a petition to the Supreme Court stating such complaint and praying such relief as the nature of the case may require; and the Supreme Court shall hear such petition in a

Petition in
case of a
charitable
trust and
determina-
tion thereof
in a summary
way.
Vict. Act
No. 3270,
s. 39.

Imperial Acts Application.

summary way, and upon affidavits or such other evidence as is produced upon such hearing determine the same, and make such other order therein and with respect to the costs of such application as seems just.

Petitions
to be signed
by petitioners
and their
solicitor
and by law
officer.
Vict. Act
No. 3270,
s. 40.

(2) Every petition so to be presented shall be signed by the persons preferring the same, in the presence of and shall be attested by the solicitor for such petitioners, and every such petition shall be submitted to and allowed by the Attorney-General or Solicitor-General, and such allowance shall be certified by him before any such petition is presented.

DIVISION 4.—*Forcible Entries and Detainers.*

5 Richard II St. 1 c. 7—The Forcible Entry Act, 1381.

Forcible
entry.
cf. Vict. Act
No. 6231,
s. 207 (1).

18. No person shall make any entry into any land except where such entry is given by law and, in such case, with no more force than is reasonably necessary.

8 Henry VI c. 9—The Forcible Entry Act, 1429.

31 Elizabeth c. 11—The Forcible Entry Act, 1588.

Forcible
detainer.
Vict. Act
No. 6231,
s. 207 (2).

19. No person being in actual possession of land for a period of less than three years by himself or his predecessors shall without colour of right hold possession of it in a manner likely to cause a breach of the peace or a reasonable apprehension of a breach of the peace against a person entitled by law to the possession of the land and able and willing to afford reasonable information as to his being so entitled.

Penalty.

20. Any person who contravenes section eighteen or section nineteen of this Act shall be guilty of a misdemeanour and liable to imprisonment for a term of not more than one year or to a fine of not more than one thousand dollars or to both such imprisonment and fine.

Imperial Acts Application.

DIVISION 5.—*Guardians.*

12 Charles II c. 24—The Tenures Abolition Act, 1660—s. 9.

21. (1) A guardian of a minor appointed by deed or will may take into his custody and management to the use of the minor the real and personal estate of the minor till the age of eighteen years or any lesser time according to the terms of the appointment of the guardian, and may bring such actions in relation to the real and personal estate of the minor as by law a guardian in common socage might have done, or may bring such other proceedings as may be necessary to give effect to all or any of his powers under this section.

Powers of guardian. Amended, Act No. 60, 1970, First Sch.

(2) In this section "minor" means a person under the age of eighteen years.

New subsection added, Act No. 60, 1970, First Sch.

DIVISION 6.—*Insurance—Life, Fire and other Policies.*

14 George III c. 48—The Life Assurance Act, 1774.

22. This Division does not apply to insurances made before the commencement of this Act.

Existing insurances not affected by this Division.

23. (1) No insurance shall be made by any person on the life of any person or on any other event whatsoever wherein the person for whose use or benefit or on whose account the policy is made has no interest, or by way of gaming or wagering; and every assurance made contrary to this subsection shall be void.

No insurance to be made unless insurer has interest. cf. Vict. Act No. 6279, s. 21.

Imperial Acts Application.

No policy without inserting names, &c. Vict. Act No. 6279, s. 22.
 Davjoyda Estates Pty. Ltd. v. National Insurance Company of New Zealand Ltd. (1965) 85 W.N. (Pt. 1) N.S.W. 184.

(2) It shall not be lawful to make any policy on the life of any person, or on any other event whatsoever, wherein the person effecting the policy has no interest, without inserting in such policy the names of the persons interested therein, or for whose use or benefit or on whose account such policy was made.

How much may be recovered. cf. Vict. Act No. 6279, s. 23.

(3) In all cases where there is an interest in such life or other event, no greater sum shall be recovered or received from the insurer than the amount or value of the interest.

Not to extend to ships, contracts of indemnity &c. cf. Vict. Act No. 6279, s. 24.
 Davjoyda Estates Pty. Ltd. v. National Insurance Co., *supra*.

(4) Nothing in this Division shall extend to insurance made by any person on ships or goods, or to contracts of indemnity against loss by fire or loss by other events whatsoever.

DIVISION 7.—*Insurance—Marine.*

19 George II c. 37.—The Marine Insurance Act, 1745.

28 George III c. 56.—The Marine Insurance Act, 1788.

Application of Division.

24. This Division applies to State marine insurance within the limits of New South Wales.

Existing contracts not affected.

25. This Division does not apply to contracts of marine insurance made before the commencement of this Act.

Imperial Acts Application.

26. (1) Every contract of marine insurance by way of gaming or wagering is void.

Avoidance
of wagering
or gaming
contracts.

6 Edw. VII

c. 41, s. 4.

Act No. 11,

1909

(C'wealth),

s. 10.

(2) A contract of marine insurance is deemed to be a gaming or wagering contract—

- (a) where the assured has not an insurable interest, and the contract is entered into with no expectation of acquiring such an interest; or
- (b) where the policy is made "interest or no interest", or "without further proof of interest than the policy itself", or "without benefit of salvage to the insurer", or subject to any other like term :

Provided that, where there is no possibility of salvage, a policy may be effected without benefit of salvage to the insurer.

27. Subject to the provisions of any Act, a contract of marine insurance is inadmissible in evidence in an action for the recovery of a loss under the contract unless it is embodied in a marine policy in accordance with this Division. The policy may be executed and issued either at the time when the contract is concluded or afterwards.

Contracts
must be
embodied
in policy.

6 Edw. VII

c. 41, s. 22.

Act No. 11,

1909

(C'wealth),

s. 28.

28. A marine policy must specify—

- (a) the name of the assured, or of some person who effects the insurance on his behalf;
- (b) the subject-matter insured and the risk insured against;
- (c) the voyage, or period of time, or both as the case may be, covered by the insurance;
- (d) the sum or sums insured; and
- (e) the name or names of the insurers.

What policy
must specify.

6 Edw. VII

c. 41, s. 23.

Act No. 11,

1909

(C'wealth),

s. 29.

Imperial Acts Application.

 DIVISION 8.—*Justices of the Peace.*

1 Edward III St. 2 c. 16.

18 Edward III St. 2 c. 2.

34 Edward III c. 1—The Justices of the Peace Act, 1361.

Appointment
of Justices
of the Peace.
Substituted
section,
Act No. 65,
1975, s. 13.

29. (1) The Governor may issue a commission of the peace for the State.

(2) A commission may be revoked by a subsequent commission.

(3) A commission—

(a) shall be under the Public Seal of the State;

(b) shall be addressed generally, and not by name, to all such persons as may from time to time hold office as Justices of the Peace for the State; and

(c) shall have the same effect as it would have had if it had been issued by the Governor before the date of assent to this Act to each such Justice of the Peace by name.

(4) The Governor may appoint Justices of the Peace for the State.

Powers of
justices.

30. Justices of the Peace shall have power to restrain offenders and to take of them or of persons not of good fame surety for their good behaviour.

Imperial Acts Application.

DIVISION 9.—Landlord and Tenant.

* * *

Headings
repealed,
Act No. 52,
1970, Second
Sch.

31. * * * * *

Repealed,
Act No. 52,
1970, Second
Sch.

Waste.

52 Henry III (Statute of Marlborough) c. 23.

32. (1) A tenant for life or lives or a leasehold tenant shall not commit voluntary waste.

(2) Nothing in subsection one of this section applies to any estate or tenancy without impeachment of waste, or affects any licence or other right to commit waste.

(3) In subsection one of this section "leasehold tenant" includes a tenant for a term, a tenant under a periodical tenancy, a tenant under a tenancy to which section one hundred and twenty-seven of the Conveyancing Act, 1919, as amended by subsequent Acts, applies, and a tenant at will.

(4) A tenant who infringes subsection one of this section is liable in damages to his remainderman or reversioner but this section imposes no criminal liability.

(5) This section does not affect the operation of any event which may determine a tenancy at will.

Imperial Acts Application.

 DIVISION 10.—*Legal Procedure—Actions on Bonds.*

 8 and 9 William III c. 11—The Administration of Justice
 Act, 1696—s. 8.

In actions
 on bonds,
 &c., plaintiff
 may assign
 as many
 breaches
 as he pleases.
 Act No. 21,
 1899, s. 132.
 Vict. Act
 No 6279,
 s. 30.

33. (1) In any action on any bond or on any penal sum for non-performance of any covenant or agreement, the plaintiff may assign as many breaches as he thinks fit, and may recover not only such damages as have been usually awarded in such cases, but also damages for such of the said breaches so assigned as the plaintiff proves to have occurred.

(2) If interlocutory judgment in any such case is given for the plaintiff by confession or in default of appearance or of pleading, the plaintiff may suggest as many breaches of the covenants and agreements as he thinks fit, and may on proof of such breaches recover damages accordingly.

Defendant
 paying
 damages
 execution
 may be
 stayed.

(3) If the defendant after judgment and before execution pays into the court where the action is brought to the use of the plaintiff such damages together with the costs of the action, or if by reason of any execution the plaintiff is fully paid or satisfied all such damages together with his costs of the action and all reasonable charges and expenses for the said execution, further proceedings on the said judgment shall be stayed. But the judgment shall remain as a further security to answer to the plaintiff such damages as are sustained for further breach of such covenant or agreement, and upon any such breach the plaintiff may summon the defendant to show cause why execution should not be had or awarded upon the said judgment, upon which there shall be the like proceeding or such other proceeding as may be ordered for inquiry as to such breaches and assessing damages thereon; and upon payment or satisfaction in manner as aforesaid of such future damages costs charges and expenses as aforesaid all further proceedings on the said judgment shall to the like extent again be stayed.

Imperial Acts Application.

4 and 5 Anne c. 3 (or c. 16)—The Administration of Justice Act, 1705—ss. 12 and 13.

34. (1) Where an action is brought upon any bond which has a condition or defeasance to make void the same upon payment of a lesser sum at a day or place certain, if the obligor has before the action brought paid to the obligee the principal and interest due by the defeasance or condition of such bond, though such payment was not made strictly according to the condition or defeasance, it may nevertheless be pleaded in bar of such action; and shall be as effectual a bar thereof as if the money had been paid at the day and place according to the condition or defeasance and had been so pleaded.

Action of debt brought on a bond after money paid—such payment may be pleaded in bar. Vict. Act No. 6279, s. 30.

(2) If at any time pending an action upon any such bond with a penalty the defendant brings into court all the principal money and interest due on such bond and also all costs properly chargeable by the plaintiff against the defendant in respect of any proceedings upon such bond, the money so brought in shall be in full satisfaction and discharge of the bond.

Principal and interest on bonds paid into court.

DIVISION 11.—*Libels—Blasphemous and Seditious Libels.*

60 George III and 1 George IV c. 8—The Criminal Libel Act, 1819—ss. 1, 2 and 8.

35. (1) In every case in which any verdict or judgment shall be had against any person for composing, printing, or publishing any blasphemous libel, or any seditious libel tending to bring into hatred or contempt the person of Her Majesty, Her heirs or successors, or the government and constitution of the State of New South Wales as by law established, or either House of Parliament, or to excite Her Majesty's subjects to attempt the alteration of any matter as by law established, otherwise than by lawful means, the judge or the court before whom or in which such verdict shall have been given, or the court in which such judgment shall be had, may make an order for the seizure and carrying away and detaining in safe custody, in such manner as shall be directed in such order, all copies of the libel which shall be in the possession of the person against whom such verdict or judgment shall have been had, or in

After verdict, &c., against any person for composing &c., a blasphemous or seditious libel, the court may make order for the seizure of copies of the libel in possession of such person, &c.

Imperial Acts Application.

and search
may there-
upon be
made for
the same.

the possession of any other person named in the order for his use, evidence upon oath having been previously given to the satisfaction of such court or judge, that a copy or copies of the said libel is or are in the possession of such other person for the use of the person against whom such verdict or judgment shall have been had as aforesaid; and in every such case it shall be lawful for any justice of the peace or for any person acting under any such order, or for any person acting with or in aid of any such justice of the peace, or other person, to search for any copies of such libel in any house, building, or other place whatsoever belonging to or occupied by the person against whom any such verdict or judgment shall have been had, or belonging to or occupied by any other person so named, in whose possession any copies of any such libel, belonging to the person against whom any such verdict or judgment shall have been had, shall be; and in case admission shall be refused or not obtained within a reasonable time after it shall have been first demanded, to enter by force by day into any such house, building, or place whatsoever, and to carry away all copies of the libel there found, and to detain the same in safe custody, until the same shall be restored under the provisions of this section, or disposed of according to any further order made in relation thereto.

Copies of
libels so
seized shall
be restored
if judgment
is stayed,
&c., but shall
otherwise be
disposed of
as the court
shall direct.

(2) If in any such case as aforesaid judgment shall be stayed, or if, after judgment shall have been entered, the same shall be reversed, all copies so seized shall be forthwith returned to the person from whom the same shall have been so taken as aforesaid, free of all charge and expense, and without the payment of any fees whatsoever; and in every case in which final judgment shall be entered upon the verdict so found against the person charged with having composed, printed, or published such libel, then all copies so seized shall be disposed of as the court in which such judgment shall be given shall order and direct.

Limitation
of actions,
&c.

(3) Any proceeding which shall be brought for any thing done in pursuance of this section, shall be commenced within six months next after the thing done; and the defendant in every such proceeding may plead the general issue, and give this section and the special matter in evidence at any trial to be had thereupon; and if proceedings shall be brought or commenced after the time limited for bringing the same, there shall be a verdict for the defendant.

Imperial Acts Application.

DIVISION 12.—*Real Property.*

18 Edward I St. 1 (Quia Emptores) cc. 1 and 3.

34 Edward III c. 15.

36. Land held of the Crown in fee simple may be assured in fee simple without licence and without fine and the person taking under the assurance shall hold the land of the Crown in the same manner as the land was held before the assurance took effect.

Alienation
of fee
simple.
cf. 17
Edward II,
c. 6.
1 Edward
III, St. 2,
c. 12.

12 Charles II c. 24—The Tenures Abolition Act, 1660—s. 4.

37. All tenures created by the Crown upon any grant in fee simple made after the commencement of this Act shall be taken to be in free and common socage without any incident of tenure for the benefit of the Crown.

Tenure.

DIVISION 13.—*Recovery of Property on Determination of a Life or Lives.*

18 and 19 Charles II c. 11—The Cestui que Vie Act, 1666.

6 Anne c. 72 (or c. 18)—The Cestui que Vie Act, 1707.

38. (1) Every person having any estate or interest in any property determinable upon a life or lives who, after the determination of such life or lives without the express consent of the person next immediately entitled upon or after such determination, holds over or continues in possession of such property estate or interest, or of the rents, profits or income thereof, shall be liable in damages or to an account for such rents and profits, or both, to the person entitled to such property, estate, interest, rents, profits or income after the determination of such life or lives.

Person
wrongfully
holding over
after the
determina-
tion of a life
to be liable
in damages.
Vict. Act
No. 6344,
s. 274.

Imperial Acts Application.

Evidence may be given of belief of determination of a life.

(2) Where a reversion remainder or other estate or interest in any property is expectant upon the determination of a life or lives, the reversioner remainderman or other person entitled to such reversion remainder or other estate or interest may in any proceeding claiming relief on the basis that such life or lives has or have determined, adduce evidence of belief that such life or lives has or have been determined and of the grounds of such belief, and thereupon the court may in its discretion order that unless the person or persons on whose life or lives such reversion remainder or other estate or interest is expectant is or are produced in court or is or are otherwise shown to be living, such person or persons shall for the purposes of such proceedings be accounted as dead, and relief may be given accordingly.

Effect of absence for seven years.

(3) If in such proceedings the lastmentioned person is shown to have remained beyond Australia, or otherwise absented himself from the place in which if in Australia he might be expected to be found, for the space of seven years or upwards, such person, if not proved to be living, shall for the purposes of such proceedings be accounted as dead, and relief may be given accordingly.

Subsequent action may be stayed.

(4) If in any such proceedings judgment has been given against the plaintiff, and afterwards such plaintiff brings subsequent proceedings upon the basis that such life has determined, the court may make an order staying such proceedings permanently or until further order or for such time as may be thought fit.

Where supposed dead man proves to be alive relief may be given on that basis.

(5) If in consequence of the judgment given in any such proceedings, any person having any estate or interest in any property determinable on such life or lives has been evicted from or deprived of any property or any estate or interest therein, and afterwards it appears that such person or persons on whose life or lives such estate or interest depends is or are living or was or were living at the time of such eviction or deprivation, the court may give such relief as is appropriate in the circumstances.

*Imperial Acts Application.*DIVISION 14.—*Religious Worship—Disturbance of.*

1 William and Mary c. 18—The Toleration Act, 1688—s. 15.

52 George III c. 155—The Places of Religious Worship Act, 1812—s. 12.

39. Any person who wilfully and without lawful justification or excuse, the proof of which lies on him, disquiets or disturbs any meeting of persons lawfully assembled for religious worship, or assaults any person lawfully officiating at any such meeting, or any of the persons there assembled, shall be liable upon summary conviction to a penalty not exceeding one hundred dollars or to imprisonment for a term not exceeding two months.

Disturbing
religious
worship.
Queensland
Code, s. 207.
Vict. Act
No. 6337,
s. 33.

DIVISION 15.—*Bailiff.*

32 George II c. 28—The Debtors Imprisonment Act, 1758—
ss. 1, 3 and 4.

Heading
amended,
Act No. 52,
1970, Second
Sch.

40. (1) Where any bailiff or other officer arrests or has in custody upon mesne process any person in the course of a civil proceeding such officer shall not—

Duties on
arrest of
civil debtors,
50 & 51
Vic. c. 55,
s. 14.

(a) convey such person without his free consent to any premises licensed for the sale of intoxicating liquor or any registered club, or to the private house of such officer or any tenant or relative of such officer; nor

Vict. Act
No. 5387,
s. 207.

(b) charge such person with any sum for, or procure him to call or pay for, any liquor, food, or thing whatsoever, except what he freely asks for; nor

Amended,
Act No. 52,
1970, Second
Sch. (as
amended
by Act No. 41,
1972, Second
Sch.).

(c) take such person to any gaol within twenty-four hours of his arrest, unless such person fails to name or refuses to be carried to some safe and convenient house of his own nomination, being within a reasonable distance of the place at which he was arrested, and not being the private dwelling-house of such person,

but shall during such twenty-four hours permit such person to send for and to have brought to him at reasonable times in the day and in reasonable quantities any food or liquor from what

Imperial Acts Application.

place he thinks fit, and also to have and use such bedding, linen, and other necessary things as he has occasion for or is supplied with, and shall not require any payment for the use thereof or restrict the use thereof.

Amended,
Act No. 52,
1970, Second
Sch. (as
amended by
Act No. 41,
1972, Second
Sch.).

(2) Where a bailiff or other officer makes an arrest to which this section applies he shall as promptly as reasonably possible inform the person arrested of the effect of subsection one of this section.

DIVISION 16.—*Sunday.*

29 Charles II c. 7—The Sunday Observance Act, 1677—s. 6.

Service of
process on
Sunday
void.

41. Service of any writ, process, warrant, order, judgment or decree (except in case of an offence, breach of the peace or any warrant, writ or process for the apprehension of any person) upon a Sunday shall be void.

DIVISION 17.—*Witnesses—Habeas Corpus for Prisoners.*

44 George III c. 102—The Habeas Corpus Act, 1804.

Repealed,
Act No. 52,
1970, First
Sch. (as
amended by
Act No. 41,
1972, First
Sch.).

42. * * * * *

PART IV.

PENALTIES.

Offences—
penalties.

43. Any person guilty of any offence under any Imperial enactment included in Part I of the Second Schedule for which no punishment is otherwise provided is liable to imprisonment for a term of not more than five years or to a fine not more than two thousand dollars, or to both such imprisonment and fine.

Imperial Acts Application.

SCHEDULES.

FIRST SCHEDULE.

Sec. 5.

| Imperial enactment. | Substituted provision of this Act. | Division of Part III. |
|--|------------------------------------|-----------------------|
| (1267) 52 Henry III (Statute of Marlborough) c. 23 | s. 32 | Division 9. |
| (1289-90) 18 Edward I (St. 1) (Quia Emptores) cc. 1 and 3. | s. 36 | Division 12. |
| (1326-7) 1 Edward III St. 2 c. 16 | s. 29 | Division 8. |
| (1344) 18 Edward III St. 2 c. 2 | s. 29 | Division 8. |
| (1351-2) 25 Edward III St. 5 c. 5 | s. 13 | Division 1. |
| (1357) 31 Edward III St. 1 c. 11 | s. 14 | Division 1. |
| (1360-1) 34 Edward III c. 1 (The Justices of the Peace Act, 1361). | s. 30 | Division 8. |
| (1361) 34 Edward III c. 15 | s. 36 | Division 12. |
| (1381-2) 5 Richard II, St. 1 c. 7 (The Forcible Entry Act, 1381). | s. 18 | Division 4. |
| (1429) 8 Henry VI c. 9 (The Forcible Entry Act, 1429). | s. 19 | Division 4. |
| (1588-9) 31 Elizabeth c. 11 (The Forcible Entry Act, 1588). | s. 19 | Division 4. |
| (1660) 12 Charles II c. 24 (The Tenures Abolition Act, 1660)— | | |
| s. 4 | s. 37 | Division 12. |
| s. 9 | s. 21 | Division 5. |
| (1666) 18 and 19 Charles II c. 11 (The Cestui que Vie Act, 1666). | s. 38 | Division 13. |
| (1677) 29 Charles II c. 7 (The Sunday Observance Act, 1677), s. 6. | s. 41 | Division 16. |
| (1678) 30 Charles II c. 7 | s. 15 | Division 1. |
| (1685) 1 James II c. 17, s. 6 | s. 14 | Division 1. |
| (1688) 1 William and Mary c. 18 (The Toleration Act, 1688), s. 15. | s. 39 | Division 14. |
| (1692) 4 William and Mary c. 24, s. 12 | s. 15 | Division 1. |

*Imperial Acts Application.*FIRST SCHEDULE—*continued.*

| Imperial enactment. | Substituted provision of this Act. | Division of Part III. |
|--|------------------------------------|-----------------------|
| (1696-7) 8 and 9 William III c. 11 (The Administration of Justice Act, 1696), s. 8. | s. 33 | Division 10. |
| (1705) 4 and 5 Anne c. 3 (or c. 16) (The Administration of Justice Act, 1705) ss. 12 and 13. | s. 34 | Division 10. |
| (1707) 6 Anne c. 72 (or c. 18) (The Cestui que Vie Act, 1707). | s. 38 | Division 13. |
| (1737) 11 George II c. 19 (The Distress for Rent Act, 1737), s. 14. | s. 31 | Division 9. |
| (1745) 19 George II c. 37 (The Marine Insurance Act, 1745). | s. 26 | Division 7. |
| (1750) 24 George II c. 23 (The Calendar (New Style) Act, 1750), ss. 1, 2 and 3. | s. 16 | Division 2. |
| (1758-9) 32 George II c. 28 (The Debtors Imprisonment Act, 1758) ss. 1, 3 and 4. | s. 40 | Division 15. |
| (1774) 14 George III c. 48 (The Life Assurance Act, 1774). | s. 23 | Division 6. |
| (1788) 28 George III c. 56 (The Marine Insurance Act, 1788). | ss. 27, 28 | Division 7. |
| (1804) 44 George III c. 102 (The Habeas Corpus Act, 1804). | s. 42 | Division 17. |
| (1812) 52 George III c. 101 (The Charities Procedure Act, 1812). | s. 17 | Division 3. |
| (1812) 52 George III c. 155, (The Places of Religious Worship Act, 1812), s. 12. | s. 39 | Division 14. |
| (1819) 60 George III and 1 George IV c. 8 (The Criminal Libel Act, 1819), ss. 1, 2 and 8. | s. 35 | Division 11. |

Imperial Acts Application.

SECOND SCHEDULE.

PART I.

Constitutional Enactments.

Sec. 6.

- (1297) 25 Edward I (Magna Carta) c. 29.
 (1351) 25 Edward III St. 5 c. 4.
 (1354) 28 Edward III c. 3.
 (1368) 42 Edward III c. 3.
 (1623-4) 21 James I c. 3 (The Statute of Monopolies), ss. 1 and 6.
 (1627) 3 Charles I c. 1 (The Petition of Right).
 (1640) 16 Charles I c. 10 (The Habeas Corpus Act, 1640), s. 6.
 (1679) 31 Charles II c. 2 (The Habeas Corpus Act, 1679), ss. 1-8, s. 11 (except the words "and shall incur and sustain" and the following words of the section), and ss. 15-19.
 (1688) 1 William and Mary c. 30 (The Royal Mines Act, 1688), s. 3.
 (1688) 1 William and Mary sess. 2 c. 2 (The Bill of Rights).
 (1700) 12 and 13 William III c. 2 (The Act of Settlement).
 (1702) 1 Anne c. 2 (The Demise of the Crown Act, 1702), s. 4.
 (1702) 1 Anne St. 2 c. 21 (The Treason Act, 1702), s. 3.
 (1707) 6 Anne c. 41 (or 6 Anne c. 7) (The Succession to the Crown Act, 1707), s. 9.
 (1772) 12 George III c. 11 (The Royal Marriages Act, 1772), ss. 1 and 2.
 (1816) 56 George III c. 100 (The Habeas Corpus Act, 1816).

PART II.

Criminal Law—Treason: Piracy.

Sec. 6.

Treason.

- | | | |
|---|---|-------------------------------------|
| <p>(1351) 25 Edward III St. 5 c. 2 (The Treason Act, 1351).</p> | <p>So far as the same declares what offences shall be adjudged treason, as amended by the following:— 9 George IV c. 31; 11 George IV and 1 William IV c. 66 (The Forgery Act, 1830) adopted by 4 William IV No. 4; 2 and 3 William IV c. 34 adopted by 9 Victoria No. 1.</p> | <p>cf. Act No. 40, 1900, s. 16.</p> |
| <p>(1795) 36 George III c. 7 (The Treason Act, 1795). (1817) 57 George III c. 6 (The Treason Act, 1817).</p> | <p>Such provisions of the Acts respectively as relate to the compassing, imagining, inventing, devising, or intending death or destruction, or any bodily harm tending to death or destruction, maim or wounding, imprisonment, or restraint of the person of the Sovereign and the expressing, uttering, or declaring of such compassings, imaginations, inventions, devices, or intentions, or any of them.</p> | <p>cf. Act No. 40, 1900, s. 11.</p> |
| <p>(1695) 7 and 8 William III c. 3 (The Treason Act, 1695).</p> | <p>S. 5 (except the words "And that no person" to the end of that section and s. 6.</p> | |

*Imperial Acts Application.*SECOND SCHEDULE—*continued.*Part II—*continued.**Piracy.*

| | | |
|---|---|--|
| (1536) 28 Henry VIII c. 15*. (1698-9) 11 and 12 William III (11 William III) c. 7. (1717-8) 4 George I c. 2 (or c. 11), s. 7 (1721-2) 8 George I c. 24. (1744-5) 18 George II c. 30* | } | The provisions of each Act except so much of each Act as relates to the punishment of the crime of piracy or of any offence by any of the said Acts declared to be piracy, or accessories thereto. |
|---|---|--|

* See Piracy Punishment Act, 1902, s. 3.

THIRD SCHEDULE.

Sec. 7.

Enactments applying irrespective of 9 George IV c. 83(A) *Criminal Law Enactments.*

| | | | | | |
|----------|---------------------------|----|----|----|--|
| (1698-9) | 11 William III c. 12 | .. | .. | .. | Crimes by Governors of Colonies. |
| (1772) | 12 George III c. 24 | .. | .. | .. | The Dockyards, &c. Protection Act, 1772. |
| (1802) | 42 George III c. 85, s. 1 | .. | .. | .. | The Criminal Jurisdiction Act, 1802. |
| (1812) | 52 George III c. 156 | .. | .. | .. | The Prisoners of War (Escape) Act, 1812. |
| (1824) | 5 George IV c. 113 | .. | .. | .. | The Slave Trade Act, 1824. |

(B) *Miscellaneous.*

| | | | | | |
|--------|---------------------------------------|----|----|----|--|
| (1813) | 54 George III c. 15, s. 4 | .. | .. | .. | The New South Wales (Debts) Act, 1813. |
| (1821) | 1 and 2 George IV c. 121, ss. 27-29.. | .. | .. | .. | The Commissariat Accounts Act, 1821. |

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