

QUEENSLAND

LAW REFORM COMMISSION

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

Q.L.R.C.W. 23

Enquiries to: The Secretary,
Law Reform
Commission,
Comalco House,
50 Ann Street,
BRISBANE. 4000
(P.O. Box 312,
North Quay)
Phone : 224 7622

LAW REFORM COMMISSION

WORKING PAPER ON AN EXAMINATION
OF THE IMPERIAL STATUTES IN
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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 Revisions. These led to the New South Wales Acts (Termination of Application) Act, 1973 and the two Acts Repeal Acts, 1973 and 1975. The within commentary and draft bill do not represent the final view of the Commission concerning the matters discussed therein.

The working paper is being circulated to persons and bodies known to be interested in these matters, from whom comment and criticism are invited. It is circulated on a confidential basis and recipients are reminded that any recommendations for the reform of the law must have the approval of the Governor in Council before being laid before Parliament. No inferences should be drawn as to any Government Policy.

It is requested that any observations you may desire to make be forwarded to the Secretary, Law Reform Commission, P.O. Box 312, North Quay, Queensland 4000, so as to be received no later than Friday, 28th September, 1979.


(The Hon. Mr. Justice D.G. ANDREWS)
Chairman.

Brisbane 13th August, 1979.

REPEAL OF IMPERIAL STATUTES

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.

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 Association, Law Faculty Monash University 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 second schedule of the Bill.

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 are still in force 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.

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 11 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 second schedule contains acts which the Commission is recommending should be retained because of their historical importance. There are also in the schedule 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 First and Second 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. This is a savings clause and exempts from its operation all insurance made before the commencement of this act.

Clause 11. 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 Davjoyda 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 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.

One of the matters raised for consideration by the Australian Law Reform Commission, discussion paper 7 (Insurance Contracts), is the abandonment of the statutory requirement of an insurable interest such as is provided for in this clause.

The remainder of the attached draft consist of two schedules. The First Schedule consists of Imperial Acts for which substitutions are made in Part III of the Bill. The Second Schedule lists the Imperial Acts which will not be affected by the repeals enacted by clause 7.

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 197 .

(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. 8-11)
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 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 Second 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 this 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. Existing insurances not affected by this Division. This Division does not apply to insurances made before the commencement of this Act.

11. 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 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.

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.

[1677]	29 Charles II c.7	-	Sunday Observance	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
[1774]	14 George III c.48	-	Life Assurance	s.11

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

[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
[1627]	3 Charles I	c. 1	Petition of Right
[1640]	16 Charles I	c. 10	Habeas Corpus
[1679]	31 Charles II	c. 2	Habeas Corpus
[1688]	1 William & Mary Sess.1	c. 2	Bill of Rights
[1698]	11 William III	c. 7	Pirates
[1698]	11 William III	c. 12	Governors of Colonies
[1700]	12 & 13 William III	c. 2	Act of Settlement
[1702]	1 Anne	c. 2	Demise of Crown
[1702]	1 Anne St.1	c. 21	Treason
[1707]	6 Anne	c. 41	Succession to Crown
[1750]	24 George II	c. 23	Calendar (New Style)
[1772]	12 George III	c. 11	Royal Marriages
[1802]	42 George III	c. 85	Criminal Jurisdiction
[1813]	54 George III	c. 15	New South Wales Debts
[1816]	56 George III	c.100	Habeas Corpus
[1819]	59 George III	c. 60	Ordinations for Colonies
[1821]	1 & 2 George IV	c.121	Commissariat Accounts
[1824]	5 George IV	c.113	Slave Trade

ANNEXURE A

Year	Number	Title	Description	Reason	
1235	20 Henry III	The Statute of Merton	Dower	Unnecessary	Repeal
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	Repeal Repeal Repeal
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	Unnecessary Superseded by Code & Justices Act Superseded by Rules of Court Unnecessary Unnecessary Unnecessary	Repeal Repeal Repeal Repeal Repeal Repeal
1276	4 Edward I, St. 2	Statute De Officio Coronatis	Office of the Coroner	See Coroners Act	Repeal
1278	6 Edward I	Statute of Gloucester - c. 1 - Recovery of damages and costs c. 5 - Waste	Recovery of Damages for Waste etc.	Superseded by Property Law Act	Repeal
[Uncertain Date] 11 Edward I		Statute concerning Conspirators	Treated as [1305] 33 Ed1 Conspirators (q.v.)		

Year	Number	Title	Description	Reason
1285	13 Edward I, St.1	Statute of Westminster the Second - cc. 3-12 c. 13 - Sheriff's tours, etc. cc. 14-18 c. 19 - Intestate's Debts cc. 20-22 c. 23 - Executor's Writ of Accompt 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
1285	13 Edward I, St.2	Statute of Winchester - c. 1 - Fresh suit after Felons	Ignorance no excuse	Unnecessary 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 - s/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	Superseded by Repeal of Prison Code
1315	9	Edward II	c. 9 - Distress	Unnecessary Repeal
1324	17	Edward II, St.2	De Prerogative regis - c.13 - Wreck of the sea, etc.	Unnecessary Repeal
1327	1	Edward III, ST.2	Confirmation of Charters - c.14 - Maintenance c.16 - Justice of the Peace	Obsolete See J.P. Act
1328	2	Edward III	Statute of Northampton - c. 5 - Sheriff to give receipt for writ	Repeal
1330	4	Edward III	c. 2 - Justices c. 7 - Executors' action for trespass c.11 - Maintenance	Unnecessary Repeal Unnecessary Repeal Unnecessary Repeal
1331	5	Edward III	c. 9 - Justice and Liberty	Unnecessary Repeal
1340	14	Edward III, St.1	c. 6 - Amendment of records	Unnecessary Repeal
1344	18	Edward III, St.2	c. 2 - Justice of the Peace	Unnecessary Repeal
1346	20	Edward III	c. 1 - Ordinance for Justice c. 4 - Maintenance	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	Unnecessary Repeal Historical Retain See Common Law Practice Act

Year	Number	Title	Description	Reason	
1354	28 Edward III	c. 3 - Liberty of the subject	Necessity for due process of law	Historical	Retair
1357	31 Edward III, St.1	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	Retair
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.1	c. 5 - Admiralty	Jurisdiction of Admiral	Unnecessary	Repeal
1391	15 Richard II	c. 2 - Forcible Entry c. 3 - The Admiralty Jurisdiction Act, 1391	Duties of Justice in such case Jurisdiction of Admiral	Unnecessary Unnecessary	Repeal 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
		c. 8 - Affrays and Riots	Suppression of Riots	Unnecessary	Repeal
1402	4 Henry IV	cc.18 & 19 - Attorneys	Qualification	Unnecessary	Repeal
1405	7 Henry IV	c. 1 - Confirmation of Liberties	Liberties of the Church	Unnecessary	Repeal
1411	13 Henry IV	c. 7 - The Riot Act, 1411	Arrest of Rioters - See Criminal Code	Unnecessary	Repeal
1414	2 Henry V, St.1	c. 8 - The Riot Act, 1414	Refers to earlier statute	Unnecessary	Repeal
1421	9 Henry V, St.1	c. 4 - Amendment of record		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 Repeal Unnecessary Repeal Unnecessary Repeal
1433	11 Henry VI	c. 6 - Justice of the Peace	Continuance of Plea	Unnecessary Repeal
1444	23 Henry VI	c. 9 - Sheriff and bailiff fees, etc.	Fees paid to Sheriffs	Unnecessary Repeal
1487	3 Henry VII	c. 3 - Bail by Justices	Authority to set bail	Unnecessary Repeal
1488	4 Henry VII	c.20 - The Collusive Actions Act, 1488	Punishment for Covin	Unnecessary Repeal
1495	11 Henry VII	c. 1 - Treason c.12 - Poor Persons' Suits	Service to de facto King Issue of Writ without fee	Unnecessary Repeal Unnecessary Repeal
1512	4 Henry VIII	c. 8 - The Privilege of Parliament Act, 1512: s.2	Prosecutions contrary to privilege	Unnecessary Repeal
1515	7 Henry VIII	c. 4-Avowries for Rents and Services	Distress	Unnecessary Repeal
1529	21 Henry VIII	c. 4 - Executors c. 5 - Probate Fees, Inventories, etc.: s.4 c.15 - Recoveries c.19 - Avowries	Sale of land by Executor Fee for Grant Enjoyment of lease Distress for rent	Unnecessary Repeal Unnecessary Repeal Unnecessary Repeal Unnecessary Repeal
1531	23 Henry VIII	c.15 - Costs	Costs for Non-suit	Unnecessary Repeal
1532	23 Henry VIII	c. 8 - Costs	Non recovery by Defendant	Unnecessary Repeal
1533	25 Henry VIII	c.22 - Succession to the Crown: Marriage	Prohibited degrees of consanguinity	Unnecessary Repeal
1535	27 Henry VIII	c.16 - Real Property - Enrolments c.24 - The Jurisdiction in Liberties Act, 1535: ss. 1 & 2	Letter of Repeal of Statute of uses King's pardon for treason	Unnecessary Repeal Unnecessary Repeal
1536	28 Henry VIII	c. 7 - Succession to the Crown: Marriage: s.7 c.15 - The Offences at Sea Act, 1536 c.16 - The Ecclesiastical Licenses Act, 1536	1 Mary sess 2C1(1553) seems to have repealed it Punishment for Effect of Papal Bulls	Unnecessary Repeal Unnecessary Repeal Unnecessary Repeal

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: ss.36, 37, 40-58	Action for debt due to Crown	Unnecessary	Repeal
1542	34 & 35 Henry VIII	c. 2 - Collectors - Receivers	Money to King's use	Unnecessary	Repeal
		c. 5 - Concerning the explanation of Wills	Explains earlier Statute	Unnecessary	Repeal
1543	35 Henry VIII	c. 2 - Treason	Place of Trial	Unnecessary	Repeal
1547	1 Edward VI	c. 1 - Sacraments	Offence to speak irreverently	Unnecessary	Repeal
		c. 7 - The Justices of the Peace Act, 1547: s.4	Preferment of holder of Kings commission	Unnecessary	Repeal
1548	2 & 3 Edward VI	c. 1 - Uniformity	Administration of Sacraments	Unnecessary	Repeal
		c.13 - Tithes	Payment of tithes	Unnecessary	Repeal
		c.23 - Marriages (pre-contract): s.2	Repeals earlier Act	Unnecessary	Repeal
1551	5 & 6 Edward VI	c. 4 - The Brawling Act, 1551	Fighting in Church Yards	Unnecessary	Repeal
1553	1 Mary, Sess. 1	c. 1 - The Treason Act, 1553: ss. 1 & 3	Repeals earlier act	Unnecessary	Repeal
1553	1 Mary, Sess. 2	c. 3 - The Brawling Act, 1553	Disturbing Church Services	Unnecessary	Repeal
		c. 8 - Sheriff	Not to be Justice of Peace	Unnecessary	Repeal
1558	1 Elizabeth	c. 1 - The Act of Supremacy: s.3	Revives earlier act	Unnecessary	Repeal
		c. 2 - The Act of Uniformity, 1558	Common Prayer	Unnecessary	Repeal
1562	5 Elizabeth.	c. 4 - Apprentices	Wages to be fixed by Justices	Unnecessary	Repeal
		c. 9 - Perjury	Punishment	Unnecessary	Repeal
1565	8 Elizabeth	c.13 - Sea Marks	Part Repealed	Inapplicable	Repeal

Year	Number	Title		Description	Reason
1571	13 Elizabeth	c. 4 - Debtors to the Crown		Collectors of Revenue	Unnecessary Repeal
1575	18 Elizabeth	c.14 - Jeofails		Default in form of Verdict	Unnecessary Repeal
1584	27 Elizabeth	c. 3 - Debtors to the Crown		Explains earlier Act	Unnecessary Repeal
		c. 5 - Amendments of pleadings		Errors in pleadings	Unnecessary Repeal
		c.12 - Sheriffs		Oath of Office	Unnecessary Repeal
1586	29 Elizabeth	c. 4 - Sheriff's poundage, etc.		Preventing Extortion	Unnecessary Repeal
		c. 5 - Continuance and perfecting of divers statutes, s.21 - Defence by Attorney		Continued earlier Statutes	Unnecessary Repeal
1588	31 Elizabeth	c. 5 - The Common Informers Act		Information by aggrieved party	Unnecessary Repeal
		c.10 - S.20 - Attorneys		Application of earlier Act	Unnecessary Repeal
		c.11 - The Forcible Entry Act, 1588		Explains earlier Act	Unnecessary Repeal
1601	43 Elizabeth	c. 6 - Frivolous suits		Avoidance of small suits	Unnecessary Repeal
		c. 8 - Fraudulent administration of intestates' goods		Fraudulent release	Unnecessary Repeal
1603	1 James I	c.13 - The Privilege of Parliament Act, 1603		Release from execution	Unnecessary Repeal
1605	3 James I	c. 7 - Attorneys		Fees on Admission	Unnecessary Repeal
1606	4 James I	c.10 - Conveyance to Gaol		Offender to bear cost	Unnecessary Repeal
		c. 3 - Costs		Award to Defendant	Unnecessary Repeal
1609	7 James I	c. 5 - Protection of Justices of the Peace, Protection against action		Unnecessary	Repeal
		c.15 - Constables & others		Assignment of Debts to Crown	Unnecessary Repeal
		c.15 - The Crown Debts Act, 1609			
1623	21 James I	c. 3 - The Statute of Monopolies: ss.1 & 6		Does not extend to Patents	Unnecessary Repeal
		c. 4 - The Common Informers Act, 1623		Place of Trial	Unnecessary Repeal
		c. 7 - Drunkenness		Punishment	Unnecessary Repeal
		c. 8 - Process of the Peace in Superior Courts		Keeping the peace	Unnecessary Repeal
		c.12 - Protection of Justices of the Peace, Enlarges earlier Act		Unnecessary	Repeal
		Constables & others			

Year	Number	Title	Description	Reason	
		c.14 - Intrusions	Possession for 20 years may be pleaded	Unnecessary	Repeal
		c.15 - Forcible Entry	Restitution of Possession	Unnecessary	Repeal
		c.16 - The Limitation Act, 1623	Commencement of action	Unnecessary	Repeal
		c.23 - Certiorari	Transfer to superior court	Unnecessary	Repeal
		c.24 - Execution	Debtors dying in execution	Unnecessary	Repeal
		c.25 - The Crown Lands Act, 1632	Relief of lessees	Unnecessary	Repeal
1625	1 Charles I	c. 1 - The Sunday Observance Act, 1625	Sports meetings on Sundays	Unnecessary	Repeal
1627	3 Charles I	c. 1 - The Petition of Right	Rights & liberties of subject	Historical	Retain
		c. 2 - The Sunday Observance Act, 1627	Travelling on Sunday	Unnecessary	Repeal
1640	16 Charles I	c.10 - The Habeas Corpus Act, 1640, s.6	Entitlement to writ	Historical	Retain
		c.14 - The Ship Money Act, 1640	Charge to equip ships	Unnecessary	Repeal
1661	13 Charles II, St.1	c. 1 - The Sedition Act, 1661	Preservation of Her Majesty	Unnecessary	Repeal
		c. 6 - The King's sole right over the militia	Previously Repealed	Unnecessary	Repeal
1661	13 Charles II, St.2	c. 2 - Oppressive Arrests	Arrests in Civil Actions	Unnecessary	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	Amount of Award	Unnecessary	Repeal
		c.10 - The Statute of Distribution	Intestate Estates	Unnecessary	Repeal
		c.11 - The Piracy Act, 1670	Delivery of Merchant Ships	Unnecessary	Repeal
		c.22 - Receiving of fines and forfeitures	Fines etc.	Unnecessary	Repeal
1677	29 Charles II	c. 5 - Affidavits	Who can take	Unnecessary	Repeal
		c. 7 - The Sunday Observance Act, 1677: s.6	Service or execution of writ	Historical	Repeal

Year	Number	Title	Description	Reason
1678	30 Charles II	c. 7 - Executors of executors (waste)	Executor who commits waste	Historical Replac
1679	31 Charles II	c. 1 - The Billleting Act, 1679: s.32	Soldiers not to be quartered without consent	Unnecessary Repeal
		c. 2 - The Habeas Corpus Act, 1679: ss. 1-8, 11, 15-10	To secure liberty of subject	Historical Retain
1685	1 James II	c.17 - Administration of intestates' estate: s.6	Account by administrator	Unnecessary Repeal
1688	1 William & Mary	c.18 - The Toleration Act, 1688: s.15 c.30 - The Royal Mines Act, 1688: s.3	Disrupting religious service Extracting gold & silver from mines	Unnecessary Repeal 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 Devices	Action by Creditors	Unnecessary Repeal
1692	4 William & Mary	c. 4 - Special Bails in the Country in Civil Actions c.16 - Real Property - Mortgages: ss. 1, 2 & 3 c.22 - Crown Office Procedure c.24 - Estreats: Personal representatives s.12	Who may take bail Declaration as to debt Grants by Charters Waste by executor	Unnecessary Repeal Unnecessary Repeal Unnecessary Repeal Historical Replac
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: s.8 c.11 - The Administration of Justice Act, 1696 c.33 - Certiorari to remove indictments	Standards Prevention of Vexatious Suits Certiorari	Unnecessary Repeal Unnecessary Repeal Unnecessary Repeal

IMPERIAL ACTS APPLICATION ACT, 1969, No. 30

Reprinted under the Acts Reprinting Act, 1972

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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).

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(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. 39 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. Interpre-
tation.

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— Substitu-
tion 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 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. ^{Revival of repealed enactments.}

(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.*

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

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

“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.

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.

cf. 15 Geo.
V c. 23,
s. 7.
Vict. Act
No. 6191,
s. 17.

(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 consisting 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 determination 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.

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

Act No. 11,
1909
(C'wealth),
s. 10.

- (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. 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 determination of a life to be liable in damages.
Vict. Act No. 6344, s. 274.

Imperial Acts Application.

Evidence
may be
given of
belief of
determina-
tion 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 sup-
posed 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. 6387,
s. 207.
Amended,
Act No. 52,
1970, Second
Sch. (as
amended
by Act No. 41,
1972, Second
Sch.).

(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

(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.

- (1351) 25 Edward III St. 5 c. 2 (The Treason Act, 1351). 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.
 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.
 S. 5 (except the words "And that no person" to the end of that section and s. 6.
- (1795) 36 George III c. 7 (The Treason Act, 1795). cf. Act No. 40, 1900, s. 16.
 (1817) 57 George III c. 6 (The Treason Act, 1817). cf. Act No. 40, 1900, s. 11.
 (1695) 7 and 8 William III c. 3 (The Treason Act, 1695).

Imperial Acts Application.

SECOND SCHEDULE—*continued.*Part II—*continued.**Piracy.*

(1536) 28 Henry VIII c. 15*.	} 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 of accessories thereto.
(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*	

* 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.

*Imperial Acts Application.***INDEX.**

	Section.	Page.
Act—		
commencement	1 (2)	2
construction	2	2
division into Parts	3	2
interpretation	4	3
Administration of estates—		
administrator, rights and duties	14	10
definitions	12	8
executor of executor	13	9
waste, liability	15	10
Bailiff	40	23
Bill of Rights	6, Sch. 2	4, 27
Bonds, actions on	33, 34	18, 19
Calendar	16	10
Cestui que Vie Acts	38	21
Charities	17	11
Civil debtors, arrest of	40	23
Commission of the peace	29	16
Criminal libels	35	19
Easter	16 (3)	11
Fire insurance	22, 23	13
Forcible detainer of land	19	12
penalty	20	12
Forcible entry onto land	18	12
penalty	20	12
Guardians, powers of	21	13
Imperial enactments—		
not affected	7, Sch. 3	5, 28
penalty for offences under	43	24
preservation in force	6, Sch. 2	4, 27
repeal of—		
in England	10	7
N.S.W.	8	5
revival of repealed enactments	11	7
savings	9, 10	6, 7
substitution	5, Sch. 1	3, 25

*Imperial Acts Application.*INDEX—*continued.*

	Section.	Page.
Insurance (marine)	24-28	14-15
application of provisions	24	14
existing contracts	25	14
gaming or wagering contracts	26	15
policy—		
execution	27	15
specification of matters in	28	15
Insurance (other than marine insurance)	23	13
existing policies	22	13
Interpretation	4	3
Part III Division 1	12	8
Justices of the Peace	29, 30	16
appointment	29	16
powers	30	16
Landlord and tenant, voluntary waste	32	17
Libels—		
blasphemous and seditious libels	35	19
Life insurance	23	13
existing policies	22	13
Life tenancy, holding over after	38	21
Magna Carta	6, Sch. 2	4, 27
Marlborough, Statute of	5, Sch. 1	3, 25
Petition of Right	6, Sch. 2	4, 27
Piracy	6, Sch. 2	4, 27
Quia Emptores	36	21
Real Property—		
alienation of fee simple	36	21
tenures created by Crown	37	21
Religious worship, disturbance of	39	23
Repeal of Imperial Acts	8	5
Savings	9	6
Schedule 1 .. .. .	..	25
2 .. .. .	..	27
3 .. .. .	..	28

*Imperial Acts Application.*INDEX—*continued.*

	Section.	Page.
Substituted enactments	12-41	8-24
administration of estates	12-15	8-10
bailiff	40	23
bonds, actions on	33, 34	18, 19
calendar	16	10
charities	17	11
forcible entry onto land	18-20	12
guardians, powers	21	13
insurance	22-28	13-15
justices of the peace	29, 30	16
landlord and tenant	32	17
libels, blasphemous and seditious	35	19
life tenants	32, 38	17, 21
real property	36, 37	21
religious worship	39	23
Sunday	41	24
Sunday, service of process on	41	24
Tenancy. [See Landlord and Tenant.]		
Title, short	1 (1)	2
Toleration Act	5, Sch. 1	3, 25
Treason	6, Sch. 2	4, 27
Waste	32	17

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